Animadversions
ON
Mr JOHNSON's Answer
TO
JOVIAN,
IN
Three LETTERS
TO A
Country-Friend.

By Willm Hopkins B.D. prebendary of the Cath. church of Worcr

Quàm multa sunt in isto tuo libro prorsus ἀνεγκλήτοις— quantum convitiorum, quàm multa manifesta vanitatis, quantum stropharum, quantum figurati morsus, quàm multa parum prudenter detorta, ac depravata, & ex depravatis tragicæ conclusiones, rursus ex his vociferationes in immerentem?

Erasm. Hyperasp. Diatribæ lib. 1. operum tom. 9.

LONDON,
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BIBLIOTHECA NATIONALIS

AN Advertisement FROM THE PUBLISHER TO THE READER.

WHen I first committed these *three Letters of Animadversions* to the Press, I intended to write a Preface before them, to comply with the Custom of the Age, wherein nothing almost is Printed without a Preface to the Reader, to

Apologize for the Work, or, it may be, for the unseasonable Publication of it, or to premise an account of the design for which it was written, or to inform him of the knowledge of something useful, or necessary to facilitate the understanding of it, or to supply some defect or oversight in it, or (as it often happens in Books of Controversy) to answer *some other Preface*, or perhaps to consider some things in it, which could not be so properly handled in the body of the Book. But the Gentleman to whom the *Animadversions* were written, having sent me a Copy of a Letter, which he wrote to the Authour about the Printing of them, with his Answer thereunto; I altered my intention, thinking it much better to print *them*, as he gave me leave to do, than to write any Preface before the three Letters, to which these are a most proper and

perti-

pertinent Introduction, rendring any other needleſs; and will be, I believe, more acceptable to the learned Reader, than any I can write. Perhaps ſome Perſons will wonder why I kept theſe *Animadverſions* ſo long from the Preſs, after they were ſent to me to get them publiſhed. To which I anſwer, that I have been hindered by many avocations, of which my Friends are not ignorant; and having obtained their Pardon for the delay, I hope, Courteous Reader, to obtain thine. I have only this to add, that the reaſon why the Second Letter appears abrupt and imperfect towards the end is, that ſome paſſages are wanting, which however innocent in themſelves, and proper for the free and private correſpondence of Friends, yet the Authour thought not fit to Print, partly becauſe they may be maliciouſly wreſted by prejudiced

Persons, and partly through an unwillingness to do any thing that may seem to revive an unseasonable Question.

SIR,

SIR,

IT *is almost two Months since our Friend at* London *sent me word, that he had put into your hands* the History of the Reigns of *Edward* and *Richard* the Second, written by the Honourable Sir *Robert Howard. He saith he presented that Book unto you, not for the sake of the History, which you know better than the Historian; but for the sake of the Preface, that finding in it how far that Honourable Person had been mis-led by Mr.* Johnson's Answer to Jovian, *you might be perswaded to publish those* Animadversions *upon that pretended Answer, which you did me the favour to write for my sake, shortly after it came abroad.*

I have formerly told you what success I have had in communicating of them to several Gentlemen, *both of the Laity and Clergy, and how happily thereby I have prevented some from being mis-led, and reduced others, that were so, by the confidence and fallacy of* Mr. Johnson, *and how urgent thereupon every one of them were*

with

with me, to procure your leave to have them made publick: and had I been so happy to obtain it, when I first desir'd it, I am confident the timely publication of them had saved Sir Robert *a great deal of needless pains in that* Preface *to his History, and the trouble of a long* Speech, *which he made almost in the words of it to a very full House of Commons, on that memorable day which was appointed for the great debate of* the disabling Clause. *It was then that Sir* Robert *chose to lay out his Eloquence in declaiming against* Passive Obedience, *and the Authour of* Jovian, *and Dr.* Sherlock, *and for the pleasant Doctrine of* Resistance, *and its Champion Mr.* Johnson, *whose* answer to Jovian, *our Friend formerly told you, Sir* Robert *and other Gentlemen of the party so much admired, as to say, that* he ought to have the Deanry of *Worcester*, to which he had a right by Conquest.

I must also remind you of what he told you concerning a Church-man of note, who renounced the Doctrine of Passive Obedience *(upon which he most absurdly laid the blame of his illegal active Obedience)* as an errour of his Education: *and if I am not since misinformed, he pretends to be Mr.* John-

son's

ſon's *Proſelyte. Which is perhaps for his honour to have a Convert of that Character. But how much it is for the honour of a Perſon of his Character to be Mr.* Johnſon's *Convert, your* Animadverſions, *were they publiſhed, would ſhew the learned World.*

I add this to all the former ſtories I have told you of this nature, to convince you how injurious you have already been to truth, and Men that are inquiſitive after it, in confining your Letters to my hands, and to prevail with you at laſt (if it be poſſible) to give me leave to get them Printed, that the publick may reap the ſame advantage by them, that I and ſome few others have done. If you will conſent to my requeſt, I will upon notice of it ſend them up next Term, by a Neighbouring Attorney, to a good Friend of yours and mine, who will take care they ſhall be publiſhed without any further trouble to you.

Dear Sir, do not longer reſiſt our united importunity, nor the preſſing deſires of thoſe, who here importune you, by me, though they do not know you. One of them bid me plainly tell you, That you ought to conſent to the publication of them: and another ſaith, you have been very much to blame for deferring

of

of it so long. But we are willing to forgive you, if after the continued importunity of fifteen months, you will at last grant the most earnest request of

July 23.
1690.

Your Faithful

and obedient Servant.

SIR,

SIR,

I *Have read Sir* R. H's. *Preface, which operates quite contrary to your expectation, and instead of inducing my consent, rather confirms my former resolution to suppress the Letters you urge me to make publick. For if Persons of his Birth, Education, Parts, and Figure in the World, are so easily imposed on, and will not be at the trouble of reading on both sides, what fruit can be expected from these Papers, what candour or justice are they like to meet with? I am sorry to observe a Gentleman professing to have his Sentiments altogether free, and unprejudiced by other Mens Opinions, so absolutely resign his Judgment to a fond Passion for Mr.* Johnson, *and pour out his Fury on* Julian, *a Book he seems to have read nothing of, but in* Julian's *Answer. I see Implicite Faith hath large Dominions, lying without the Pale of the Roman Church; and that Persons of the most refined Wits, and even Sceptical Curiosity, too frequently submit to its Yoke.*

I know it is not the particular infelicity of this

this Noble Person, but an unhappiness incident to all great Men, that their circumstances and more weighty employments will not allow their Personal examination of many things which come before them. They are forced to see with other Mens Eyes, and to hear with other Mens Ears, and so long as they trust none but Persons of Judgment and Integrity, they suffer little thereby. But it hath been Sir R*'s. ill Fortune to use the Observations and Collections of some Men, who either for lack of sense or honesty, have shamefully abused his confidence in them.*

I cannot, out of respect to him, believe, that if Sir R. *had read* Jovian *through, he would have failed to observe the vast difference between calling the Laws which secure the Rights of the Crown,* Imperial Laws, *and ascribing to our King's* Imperial Power, *or that he would have stained his Honour by that unjust Charge on Dr.* Hicks, *saying,*

Pref. p. 22. That Imperial Power may make a lawless attempt or prosecution lawful. *But he had that, and several other invidious reflections on the Doctor, out of the excellent Mr.* Johnson, *who made Collections out of* Jovian *for him, and deserves very ill of him, for doing it with so little fidelity.*

His

His Collection of Protestant Writers, which favour the Doctrine of Resistance, was made by a no less trusty hand. The Authorities of Zuinglius, Calvin, *and some others, are borrowed from* Philanax Anglicus, *a Jesuit, whom Dr.* Du Moulin *excellently answered: where he met with the rest I know not. I cannot be so injurious to the Honourable Authour, as to believe, that he made the Collection himself, since upon examining two or three of the Citations, I find such errours, as I am perswaded it is impossible for him to commit.*

What he cites from Calvin *on* Daniel 6. ver. 7. *is not there, nor yet hath the place to which* Philanax *refers, either the words or sense of what we read* p. 16. * Peter Martyr *on* Judges *c.* 3. *hath not a word of the Parliaments Proceedings against King* Richard *the Second, and considering how he determines the Case of Resistance there, I very much question whether he approved them. Again, he calls the Authour of the Book of Obedience* Thomas Goodman, *whom both the Title Page of the Book, and* Whittingam's *Preface call* Christopher. *The mistake,*

* The passage which occasioned Sir *Robert* to say *Peter Martyr* on *Jud.* c. 3. approves the proceedings against *Richard* the Second is this, *Polydorus Virgilius tradit Anglos aliquando Reges suos compulisse ad rationem reddendam pecuniæ malè administratæ.*

I confess, is of no moment, but it sheweth the negligence of the Person who made the Collection. I wonder for what reason Sir R. *brings afresh on the Stage such passages as these, which our Romish Adversaries have for above a hundred years cast in our Dish, as Seditions, and our own Divines have vindicated the Reformed Churches, partly by condemning some of them, and partly by shewing, that others are maliciously wrested, or impertinently alledged. But I know not how such Collections make for their Majesties Service, and the Honour of the Reformation; it's possible this Noble Authour doth.*

See Bishop *Bilson* of Christian Subjection. Part 3. p. 270. *&c.* Edit. 8. he saith *Goodman* disliked his own Opinion, p. 274.

I think he is as little obliged, by a third Person, who eased him of the drudgery of turning the Bible for Scripture Examples of an Original Contract. For had Sir R. *used his own Eyes in that search, he would have seen, that the Instances of* David *and* Jehoiada *are no proofs, that there were* pacta conventa, *between the Jewish Kings and their People, as there are in* Poland; *or that the former were accountable to the latter.* Peter Martyr *on the third of* Judges, *teaches*

Cum Regnum Judeorum ejusmodi esset, ut

et the quite contrary. And whoever reads the two places in the Chronicles, *cited to prove a Contract between* David *and his People, and compareth them with the parallel places in* Samuel, *and* Kings, *will hardly think them satisfactory.*

omnes à Rege penderent (non enim à Proceribus eligebatur, sed ex successione posteri ejus familiæ imperabant, quam Deus præscripserat) ideo, in legibus Deuteronom. & 1 libro Samuelis, in quibus jus regum sancitur, *nullis facultas conceditur ut illos deturbent,* &c. P. Mart. in Judic. 3. sub finem.

David's *Covenant with the Elders of* Israel, *was a plain Treaty of Peace, and Submission to* David, *after a long and unsuccessful defence of the Title of the House of* Saul. *It was first concluded by* Abner, *and upon his Murder, renewed and solemnly ratified by the Elders of* Israel. *See* 2 Sam. *Ch.* II, III, IV, V. *But you read of no Covenant made with the Men of* Judah, *who Anointed him King immediately on* Saul's *Death.*

The Instance of Jehoiada *making a Covenant,* 2 Chron. XXIII. 16. *signifies as little. As it is related,* 2 Kings XI. 17. *it appears indeed, that a Covenant was made between the King and People, as well as with the* LORD. *And as the tenour of the latter was, That after their Apostasy to Idols, under* Athaliah, *they should become the* Lord's People; *so probably the tenour of that with the*

King was, That after Athaliah's *Usurpation, they should become* Subjects *to* Joash, *their rightful King. He was but seven years old, and at that age incapable of contracting for himself, and it appears not that* Jehoiada *made any conditions for him, the breaking of which should absolve them from their Allegiance.*

And now we are upon Scripture Collections, you shall see how unfortunate he is, in an instance or two more. To prove, that all wrongs [*done by wicked Kings*] are not unquestionable in this World, *he alledgeth the case of* Ahab, *who forfeited his Succession for Tyranny; Now I do not find, that after the Prophet* Elijah *pronounced the Sentence, the People deposed him, or altered the Succession, but waited till God, by express Revelation, transferred the Crown to another Family, and sent the Prophet* Elisha *to anoint* Jehu. *I believe neither* Jovian, *nor any other of our Passive Doctors, ever said, That God may not call wicked Kings to an account in this Life; but the contrary, and that he usually doth it. And his other instance, if it be possible, is less to the purpose. He saith,* Samuel *medled not till God saw good to reckon with him: For God had given a special Commandment to* Saul, *to destroy the* Amalekites,

P. 36.

kites, *and spare none, which Command* Saul *not executing, the Prophet did it with his own hand. I ever thought* Agag's *losing both his Kingdom and his Life, was part at least of his account with God.*

You see, Sir, how dangerous it is to trust to other Mens Collections, unless you are well assured of their Fidelity. Yet I must confess, Sir R. H. *had as much temptation as any man could have to trust. He formerly met with an honest* Sorbon *Doctor, who obliged him with a true Account of the various Decrees for and against* Aristotle, *in the University of* Paris, *which makes as handsome an appearance as any thing in this whole Book. He deserved his acknowledgements, and praise, much better than Mr.* Johnson, *tho' I do not yet find that they are any where paid him.*

Jo. Launoy de variâ Aristot. in Acad. Paris. Fortunâ.

I believe Dr. Hicks *is not ill pleased with this Noble Authour, for suggesting that* Jovian *was written by a Club, and takes it for a great Honour, that he esteems him the most considerable of all the Learned Assertors of the Doctrine of* Non-resistance. *Yet I have great reason to tell you, that he is mistaken, that* Jovian *was as much the Doctors own Work, as any Book extant, was the Authours whose name it bears; and I am confident he hath no other ground for this fancy, but only that he*

knoweth, (and who doth not know?) that Julian *and it's Defence were both made by a Club, and that as Mr.* Hunt's *Postscript afforded the choicest materials of the former, so Mr.* Atwood's *Letter of Remarks, furnished the most considerable Reflections upon* Jovian, *we meet with in the latter.*

I might observe to you, how little Reverence Sir R. *discovers for Christian Religion, and amidst all his zeal for it, takes the liberty to make sport with the Baptismal Vow,* p. 19. *and calls the Dreadful Judgment, which must pass on Kings, as well as their meanest Subjects, a* pretended Account *to be made up only with God. Tho' I hope the latter was rather from an infelicity in expressing himself, than any bad meaning. But I must remember that I am answering your Letter, and not Sir* R's *Preface.*

The Story your Friend told me of the great Church-man, *was, I confess, altogether News to me, and very surprizing, and more than I can yet believe. If he were not able to discern the difference between* Passive *Obedience, and* Blind *Obedience, he had great reason to complain of an unhappy Education. Passive Obedience is not inconsistent with the liberty of examining the commands of a Superiour; it freely exerciseth a Judgment of Discretion, and arms a Man with Courage, to despise all the hazards he may run, for choosing to obey God rather than*

than Man. Passive Obedience tempers no Man into a soft and base compliance with the Arbitrary and Illegal designs of a Prince; but on the contrary alloweth a Man by all legal means to oppose them, and in case he falls into disgrace, or any other suffering on that account, it fortifieth him with Patience to bear it like a Christian. He who understands what Passive Obedience is, will live happily and easily, so long as he keeps a good Conscience, though he puts himself thereby out of his Prince's Favour.

I cannot forbear smiling at these pleasant Gentlemen, who have so extravagant an opinion of Mr. J's. Performance and Merit; nor can I envy him such Applauses, as shew some little Wit, but no Judgment; those merry Gentlemen too much despise the dark Subtilties of Aristotle, to be competent Judges of the Merit of this Cause; their Heads lie readier to take a Jest than an Argument. *Reflect.* p. 21.

Therefore, Sir, in yielding to the Desires of your self and other Friends, that I would permit the Printing of my Letters, I have no consideration of any of those Gentlemen; here is no Entertainment for such Readers, nor do I expect that they will vouchsafe to read, but that they will condemn them, as they did Jovian, unheard. There are too many ready to speak

evil

evil of things they know not, and it were great vanity in me to hope, That I can influence the Opinions of Patriots, that is, Men who carry on their Mischievous Designs, and Private Interests, under the Specious Cloak of a Publick Spirit. 'Tis for the sake of a more Sincere and Sober sort of Men, who have patience to hear both sides, and are ready, whatever their present Sentiments are, to yield to the clear evidence of Truth, that I resign these Papers entirely to your disposal.

Since you assure me they have rectified the mistakes of some, I hope they may do like service to others: and if so, I shall rejoice in being an Instrument of lessening the unreasonable Esteem some have for Julian, *which otherwise will unavoidably be of very ill Consequence to their Majesties and the Nation. For I always was of that great Man's Opinion, the Learned Dean of* Canterbury, *now of St.* Pauls, *in his Letter to the Lord* Russel, *That Resistance, if our Religion and Rights should be invaded, is not allowable,* because the Government and Peace of humane Society could not well subsist on those Terms.

He thus closeth his determination of this Case of Resistance. *Id respondi quod pietas & Sacræ literæ suadent, Cer-*

This was Peter Martyr's *Doctrine on the third of* Judges, *about* 120 *years before. Turbulent and designing*

signing men will never want quarrels against the best and most gracious Princes : they will cast off the most Just and Easy Yoke, A Theocracy would not please them, they would pick quarrels with a Samuel, *or* Moses; *and they who set up for the Redress of Grievances, never want followers. For Slanders are easily credited against a King.*

tè si populo sit suo regno dejicere injustè imperantes, nulli Principes aut Reges usquam tuti erunt. *Quamvis enim probè & sanctè regnant, non tamen populo satisfaciunt.*

I must desire you to advertise the Reader, that I do not professedly treat of the Subject of Non-resistance, or any other subject handled by Jovian; *All I design is, to consider the Controversy between that Authour and Mr.* Johnson, *and how fairly the latter hath treated his Adversary. And though the Reader might expect a much better Vindication from the Learned Authour, if he saw good to write one; yet he will find so much said in these Letters, as will satisfy him, that* Jovian *continues Master of the Field, notwithstanding the vain Triumphs of the Republican Party, and that the Doctrine of Non-resistance conduces as much to the security of the Subject as of the Prince.*

July 31.
1690.

Sir, I am, *&c.*

THE

The First LETTER.

Honoured Sir,

I Have at length gotten leisure to read over Mr. *Johnson*'s Celebrated Reply to *Jovian*, of which some time since you were pleased to require my thoughts. And though I find by your last, that my pains may very well be spared, in regard your own Judicious Observation hath furnished you with so many instances of his disingenuous management of the Controversy; yet since you still insist upon it, and have reason in your Complaint, that it is impossible for you in the Country to get a sight of many Books necessary to be consulted, that you may be able to judge of the pertinence and force of the Citations on both sides, which are many, and of great moment in this dispute, I shall the more readily comply with your desires.

If the Title Page had not born his Name, as well as the beginning of the Book speaks him a Clergy-man, my Charity would have carried me to believe, that such a piece as this could not have proceeded from Mr. *Johnson*, or any other of his Profession. I should rather have conjectured, that some *Republican Bully* had espoused the Cause, and entered the Lists, as his Champion. For there is

 nothing

nothing more difficult than to reconcile such a loose Discourse, with the Character of a Divine, or indeed of a Christian. It is written in a strain wholly unbecoming, either the gravity of his Function, or the weight of the subject under Debate, with little Truth, and less Modesty. With what rudeness and scorn does he all along treat his Learned Adversary, as though he were an ignorant Pretender in all sorts of Literature, and understood nothing? With what a particular kind of assurance doth he ridicule his Arguments instead of answering them? And how much soever he pretends to abhor it, he spares not profane allusions to the Holy Scriptures, to abuse his Adversary. When I come to examine the Authorities of Writers, both Ecclesiastical and profane, cited by him, it will immediately appear, that they are for the most part either impertinently alledged, or most unconscionably perverted. So that though he hath very often most foully misrepresented *Jovian*, his Antagonist hath the less reason to take it amiss, in regard he useth him no worse, than he hath done most other Authors, he had occasion to meddle with.

Preface, p. ix.

I am not at all surprized to hear with what general Applause this Reply is entertained in your Neighbourhood, no nor yet that many of the Gentry and Clergy too, are carried away with his Drolls and Fallacies, and judge the Victory clearly on his side. He wants not those also, who make it their business, in the City, to cry him up in all Companies, and to magnifie his performance, as one of the most absolute Conquests that ever the Pen made. But their Success is not answerable

answerable to their Zeal, especially among the Clergy, who best understand the merits both of the Cause, and the two Persons who are engaged in it on both sides. I dare say, as low as the credit of *Passive Obedience* runs at this day, Mr. Dean's Reputation, both for Learning and Integrity, is more than fifty *per Cent.* above Mr. *Johnson*'s. The great esteem he justly acquired, not only among us his Brethren of the Clergy, in the six years he was a *London* Minister, but also with the most eminent Persons of all Ranks and Conditions, is not to be blasted by the scurrillous and spiteful Reflections, wherewith this Reply is fraught. And in the judgment of most sober and discerning Men, Mr. *Johnson* hath, by this frothy and rude Discourse, lessen'd and exposed himself much more than his Adversary.

I confess he hath many great advantages to recommend his Books among common Readers above *Jovian.*

1. The Doctrine of Resistance is very grateful to corrupt nature, which affects an absolute freedom from all subjection, or dependance, and abhors the very thoughts of Suffering. This humour in the infancy of the World, engaged our first Parents in a Rebellion against their Creator, and hath derived it self through all succeeding Generations down to ours. And 'tis very well known, that many of Mr. *Johnson*'s Admirers, are leavened therewith to such a degree, that they cannot bear God's own Government, as wise, just, and gracious as it is, but quarrel at his holy Laws, which restrain their intemperance, their Lusts and Revenge, as intolerable Usurpations upon the natural Rights and Liberties of Mankind.

And though their designs may sometimes oblige them to make a great noise with their concern for Religion, it is notorious, that they have as mean an Opinion of Christianity, as *Julian* the Apostate himself, being avowed Enemies, not only to the Doctrine of the Cross, but also to the whole Gospel besides.

2. His loose and comical way of writing is notably suited to the frothy and malicious humour of the present Age, which is delighted in nothing so much as drolling Invectives, nauseates every thing that is close and serious, and must be entertained with somewhat more light and diverting. This scoffing humour hath contributed much to the credit of *Julian*, and its defence. Mr. *Johnson*'s scurrilous Satyrs rellish with too many more than his Adversaries solid and useful Discourse; his spiteful Reflections pass with them as Arguments, and his grossest fallacies go smoothly down in an abusive Jest.

3. It is another of his Felicities, that of the multitudes who admire him, very few are competent Judges of the point in dispute, which is a subject quite above ordinary Readers, and of which no true Judgment can be made, without more Learning and Patience than the generality are Masters of. There are many points of moment to be seriously weighed, many Books to be turned, Historians and Fathers, both Greek and Latin, besides modern Writers. Now they who most applaud him have never been at this pains, and indeed look upon it as wholly unnecessary; they have no mind to have a Case, which (as he hath put it) appears plain to them, perplexed by hearing what is said against it, and so without examining

examining the Testimonies, or considering the Arguments on both sides, pronounce in his favour. Some, who are not altogether so much biassed, want abilities to comprehend an Argument, to discern a fallacy, or to judge of the pertinence and force of his Authorities. Others who have abilities and inclination to examine them, either want leisure, or are under your Circumstances, not having the Books at Command, and presuming further upon his Fidelity and Modesty than is safe, take several things from him upon trust, which they would see to be much otherwise, had they the Authours to consult. So that either through want of Abilities, or Books, or Patience to examine his plausible Fallacies, and perverted Citations, most who read him are too easily imposed upon.

4. Another great advantage he hath in the propitious Juncture of time, in which his Reply comes forth. The heady and illegal methods taken to introduce Popery, and Oppression, which (*Solomon* saith) maketh a wise Man mad, having driven great numbers of the Nobility and Gentry into Arms against the King, his Party is much encreased. For they all stand obliged in defence of what they have done to side with him, and their successful practice of Resistance hath silenced all Arguments against it. Eccles. 7. 7.

To these I might add Mr. *Johnson*'s particular Confidence, which goes a great way with ordinary Readers, and inables him to outface the clearest Convictions, and impose the grossest falshoods and absurdities upon his willing and easie Proselytes. So that his advantages over *Jovian*

lie not in the extraordinary strength of his reasonings, and clearness of his Authorities, but in the weakness and partiality of his Admirers; and the Applauses he meets with must be entirely ascribed to want of judgment, or worse defects in those who cry him up.

His first care is to salve his Credit by an Apology for the late Publication of his Book, which was Printed in 1683. though he durst not let it appear till 1689, and truly it had been more for his honour to have eternally suppressed it. It will hardly encrease his esteem with wise and good Men, to see him fond of such a piece of gross abuse and sophistry, after five years consideration; and to observe, that his bitter Sufferings (which I mention not to reproach him, for I abhor all Cruelty) have not been able to mortifie his insolent scoffing humour. How unjust and unmerciful soever his punishment might be, as it proceeded from humane revenge, yet Mr. *Johnson* had great reason to consider God's hand in it, and to believe it a necessary piece of Discipline graciously intended to reduce him to a more serious, meek, and charitable temper of mind. I am sorry to find Afflictions have had a contrary effect upon him; but since it is so, I shall make two or three Observations from his Advertisement, and proceed to consider the Book it self.

And first I cannot but take notice, that during the Interval between the Printing and Publishing of this Book, Mr. *Johnson* had seen his scandalous and malicious suggestions against the Assertors of the Succession, and Passive Obedience abundantly confuted. It is manifest to all the World, that those worthy Persons were not more mistaken in the

the good hopes they had of a Popish Successor, that he would be moderate, just, and religiously observe his Promises to maintain our Religion and Liberties, than he was mistaken in the ill Opinion he had entertained, and the Calumnies he had published of them.

He had traduced them as Persons weary of their Religion, Betrayers of their English Liberties, and had particularly accused Dr. *Hicks* of *fitting the notion of Passive Obedience, on purpose for the use of a Popish Successor, to render us an easier prey to the bloody Papists.* It is evident, the Papists themselves had no such opinion of his kindness, since he hath been baited for *Jovian* by all their Pamphleteers, and by their procurement, was in his own Cathedral, in an Assize-Sermon, levelled at the Test and Penal Laws, most rudely and impudently reviled. It is well known how early and zealously the Doctor appeared, both in the Pulpit and in Print, for the defence of the Protestant Religion; that he was one of the first Divines (I believe the very first) whom King *James* Closeted for Preaching against Popery, and animadverting on the Royal Papers. Mr. *J.* is not ignorant that Dr. *H.* and his Friends, who durst not by force of Arms, resist a Popish Prince, defended their Religion, and civil Rights against him with an invincible Courage, and repulsed all his attempts upon both, as *a brave strong Wall would the Batteries of a sorry Engine.* That neither Bribes nor Menaces could induce them to afford him those assistances in undermining the foundations both of Church and State, which many violent Excluders offered him, in their Ad-

Kendrick's Sermon Printed in 1688.

dresses made publick in our *Gazettes*. If Mr. *J.* had either ingenuity or shame, he would not have published this Reply, without acknowledging his Errour, and retracting his slanderous Insinuations; as also he would have made some reparation to the Clergy and Universities, whose unsteadiness he slily forebodes from the Example of Queen *Mary*'s Reign. All this might have been done without either much trouble to himself, or expence to Mr. *Chiswell*. The reverse of the Title Page, or the back side of the Lord *Russel*'s Monument, would have afforded him room enough, and such a piece of Ingenuity and plain dealing, would have gotten him more reputation with good Men, than all his Book besides.

Secondly, It is also observable, that during the same Interval, was Published Sir *George Mackenzie*'s Jus Regium, in which he vindicates the *Scotch* Succession, and confutes the story of *Robert* the Second, and *Elizabeth More*, as it is related from *Hector Boethius*, and *Buchanan*, by Mr. *Hunt*, Mr. *Atwood*, and Mr. *Johnson*. He proves against them, that from *Robert* the Second, the Crown descended on the next Lineal Heir, *viz. Robert* the Third, Eldest Son of the said *Elizabeth More*, who was his first and lawful Wife, Married to him solemnly, *A. D.* 1349. and died before his Marriage with *Euphemie* Daughter of the Earl of *Rosse*. This he supports by Authorities more credible than those which garnish Mr. *J*'s Margin, so that till the story be better supported, and what Sir *George* hath said against it be disproved, it must pass for a Fiction. Now I blame neither him nor his Friends for reporting it after such Authours, but since he would not let a mistake in History,

History, which he saith is not material, escape him without advertising the Reader, *Preface*, p. 15. I understand not the ingenuity of letting so gross a mistake in story, and so very material, pass, without adding one line more to warn him of it, or offering better proof to maintain it.

Thirdly, Mr. *J*'s reason for suppressing his Book five years together, may serve for an answer to your clamorous Neighbours, who expect Mr. Dean should reply to this Book, and conclude him baffled, because he hath not answered it, almost before he can have read it. But if he never answer it, let them know, that Victory doth not always attend him, who hath the last word, and if the times, which would not bear it, salved Mr. *J*'s honour, whilst his Book lay dormant, why may not Mr. Dean be allowed to use the same discretion. I doubt not but he will consider this Reply, and be ready to defend himself against the most formidable Arguments in it, if he find it expedient: but I conceive he stands no way obliged to take notice of this thing called an Answer to *Jovian*, having declared in the close of his Preface to that Book, that if instead of *a fair, close, and substantial Answer, he should only nibble, shuffle, and prevaricate and take Sanctuary in cavil, satyr, and scurrillity, he would pass over such kind of replies with silence and contempt.* This you will find the exact Character of this celebrated performance of Mr. *J*'s, and therefore he deserves not to be considered by his Learned Adversary.

That Man must have an unreasonable partiality for the cause of *Exclusion* and *Resistance*, who will allow this to be a full Answer to *Jovian*, wherein nothing

nothing is said to a great part of that Book, neither is there any notice taken of many Arguments levelled against his two darling notions, *viz.* That nothing *is more plain than that the Empire was Hereditary*, and that *it is lawful to resist a Prince, by force of Arms, if he persecute against Law, as* Julian *did.*

To disprove the former of these, Mr. Dean hath shewn, that the Succession to the Roman Empire was *Elective*, *Casual*, and *Arbitrary*; and to make it out, hath been at the pains to give a succinct account from all the Writers of the Imperial History, both Greek and Latin, how every Emperour, from *Julius* to *Julian*, came to the Throne; from which account it appears, that although many Princes endeavoured to secure the Succession in their own Families, yet none esteemed the Empire to be their Inheritance, or made claim to it by a right founded in proximity of blood, but on the contrary, pretended upon the nomination of their Predecessors, or the choice sometimes of the Army, sometimes of the Senate, and sometimes of both, and that when it continued some while in the same Family, no regard was had to the next lineal Heir, but adopted Sons have been preferred before the natural, the more remote Kindred before those who were nearer, and the Empire hath been divided between two or three *Augustus's* at once. All which, and a great deal more, which *may be true for ought he knows* (by his own Confession) is utterly inconsistent with an Hereditary Succession, as that of *England* is, whose Laws do not allow our Kings to disinherit a Son, or prefer the Issue of a younger before the elder Son's Posterity, much less to

adopt

adopt Strangers, nor yet to divide their three Kingdoms among three Sons, or to set them up all together joint Soveraigns and Kings of the whole British Empire. Now to all this what saith Mr. *J.?* Truly nothing in effect; but thinks to sham it all with a piece of *Republican Cant*, he calls it the *History of the broken Succession in the Empire* (which is as good as he and his Friends will allow the English Succession to have been) and then he tells us, that it is of so small concernment in the Controversy, that he hath never examined it. Whether he hath examined it or no, I cannot tell. I am sure 'tis much his interest, that no body else should examine it. There is a Cloud of Witnesses against him, and they all speak home to the point, and I think if any Man will have Patience to examine them, he must have Mr. *J*'s own Forehead, if he dare say their Testimony is of small concernment in the Controversy. He once believed it a matter of such moment to prove the Empire Hereditary, that he thought he could not * *proceed faithfully* without doing it, and therefore unless some great Revolution hath since happened in his Mind, he cannot esteem so full and clear a proof of the contrary of little or no concernment in the dispute. Perhaps it was prudently done to slight and overlook what he could not Answer, but Mr. *J.* hath in all appearance, undertaken to answer some other passages in *Jovian*, without examining them.

Alluding to a Pamphlet so Entituled, being an Account of English Succession.

* *Julian*, p. 18.

Again, it was by no means fairly done, to represent the account of the Roman Succession as a meer

meer History, and slight it when he had done, as containing nothing that he was obliged to take notice of. There are many, and (till he shew the contrary, I shall think) concluding proofs drawn from the History, that nothing is more plain than that *the Roman Empire was not Hereditary*; which, if he meant in earnest to defend his first Book, it concern'd him to Answer. I am sure they were such as have in my presence, made some of the most considerable of his Friends acknowledge, that he was mistaken in asserting the Empire to have been Hereditary. And if he were mistaken in that, all his Discourse from *Julian*'s Case (which is founded on that supposition) falls to the ground with it. For an Argument from one case to another concludeth not, if the two Cases prove to be very different. Now all that he saith for exclusion in his first Book (abating some things in his Preface which are considered in the Preface to *Jovian*) is wholly deduced from *Julian*'s Case, and the sence of the Ancient Fathers and Christians thereupon. And therefore if he have a stock of new Arguments to produce for Exclusion in this Book, 'tis nothing to the state of the Controversy, as it stood between him and his Adversary, who undertook only to answer what he had written, and not to divine what he might say hereafter.

But if the Authour of *Jovian* had not given us an History of the Roman Succession, and by an Induction (which is one of the strongest sorts of proof, as an Example or Case is the weakest) made it out to be Elective, and not Hereditary: He hath without that sufficiently evinced the disparity of the Cases of *Julian*, and the *D. of Y.*

by

by ſhewing, that there were no entailed Eſtates, nor any ſuch thing as Heir in Tail, or Hereditary Succeſſion to Entailed Eſtates in the Empire, but that every Man might diſpoſe of his Patrimony by his laſt Will and Teſtament, or ſell or give it away as he pleaſed; or in caſe he died Inteſtate, it fell to his next Kindred, as Heir, or Heirs at Law. To this Mr. *J.* makes no Reply. Nor indeed could he make any defence for his Foreign Notion of an Heir and Inheritance, which is in truth as great a fallacy *as a ſcale of Dutch Miles in a Map of Middleſex.* For a Roman Heir, and Engliſh Heir, like Dutch and Engliſh Miles, agree in nothing but an ambiguous Name; they are diſtinct Species of Title, and have not the ſame formal Conception, as Dutch and Engliſh Miles are diſtinct ſpecies of Meaſure. Whether there be not more Wit than Truth in his repreſenting Mr. Dean's Notion of a Soveraign to be ſuch a deceit, I ſhall have another occaſion to conſider.

The other main Notion in his Book, and that which (for ought I know) he may have the honour of firſt diſcovering, is that a *Prince perſecuting againſt Law, may lawfully be reſiſted by force of Arms*, and that the reaſon why the Primitive Chriſtians treated *Julian* worſe than former perſecuting Emperours, was, becauſe they perſecuted by virtue of Law againſt Chriſtianity, whereas he perſecuted againſt Laws which eſtabliſhed the Chriſtian Religion. Now to this new Hypotheſis of Mr. *Johnſon*, the Dean objects two things. 1. That it is next to impoſſible for a Roman Emperour to perſecute againſt Law, conſidering his abſolute power over the Laws, and that his Edicts; Reſcripts, and indeed his Pleaſure any way expreſſed,

expressed, had the force of a Law. And as for what was done against Christianity, by his Officers presuming on his connivence, and secret approbation, was no more than what had been usual in former Reigns, and therefore could no more justify resistance under *Julian*, than it would have done it under former Emperours. And at this answer he just *nibbles*, p. 158.

2. He saith, that if oppressing the Christians contrary to former Laws, their civil Liberties as *Romans*, were persecuting against Law, the former Christians, as many as were *Roman* Citizens, were also persecuted against Law, put to Death upon shams, and pretended Crimes of Treason, tortured to deny their Religion, which was their pretended Crime, and not as other Malefactors, to bring them to confess it, denied the Liberty of making their defence, which the Laws of the Empire allowed all Men, and this he makes good by the Testimony of *Tertullian*; and he shews at large, how *Galerius* invaded the civil rights of all Men, as well as the Christians, subverted the fundamental Laws of the Empire, and endeavoured to introduce the *Persian* Tyrannical Form of Government, and to enslave the freeborn *Roman* People. His illegal and barbarous treatment of his Subjects in general, is described from *Lactantius* and *Eusebius*, and yet never in any Persecution did the Christians suffer more patiently than in this *Galerian* Persecution, when if Persecution against Law would warrant Resistance, they had sufficient provocation to take Arms; if in other Persecutions they were discouraged by want of sufficient Force and Numbers, yet in this they could not want either, but might have expected, that

that their Pagan Neighbours would have joined with them for their common defence against such a Monster and Tyrant. And what saith the unanswerable Man to all this? Why truly not one word, no not so much as that this Chapter is of *small concernment in the Controversy*. I have noted these material parts of *Jovian*, to which he hath given no sort of answer to let you see how little reason his Admirers have to magnifie this Reply, in which he declines medling with the most considerable Arguments urged against him, which stand in full force against his first Book, notwithstanding the Shew he makes of defending it. To avoid being tedious, I purposely omit the mention of many other considerable things in *Jovian*, of which he takes no notice. And having shewn, that he hath given no full Answer to that Book, I shall proceed to shew, that this Reply is not a fair one, but full of fallacy and deceit.

1. As he doth not consider many of *Jovian*'s Arguments, so when he vouchsafes to Reply to others, he frequently misrepresents them, or concealeth the Reasons and Authorities which support and inforce them, and shams them off with a Droll. Which is very unbecoming a fair and generous Adversary, and unworthy (I will not say of a Christian or Divine, but even) of an honest Man, and a Scholar, though a meer Pagan. I will not trouble you with particular instances of such foul dealing, because they will frequently occur in my Remarks on several passages of his Book, such as the shuffle he makes to exclude *Procopius* from the *Flavian house*, the account he gives of the distinction of Laws into Imperial and Political.

2. His

2. His main Authorities are Rhetorical Amplifications, and flourishes in Panegyricks and Invectives, in which the Orator doth not tie him strictly to truth, and the proper use of words, so that there is no arguing from the literal sence, but abatements must be made for Hyperbolical Speech on both hands, for lofty strains of Complement in Panegyrick, and for heavy and Tragical Aggravation in the *Stelitentick*, or Invective. This deceitful artifice is the Masterpiece of our Popish Adversaries; when they pretend the Father's Authority for the Doctrine of Transubstantiation, Invocation of Saints, *&c.* they ransack their Declamatory pieces for lofty Expressions, touching the dignity and benefits of the Holy Eucharist, and take *Metaphors*, and *Metonymies* in a proper and literal sence. They urge this very Apostrophe of *Gregory Nazianzen* to *Constantius*, whence Mr. *Johnson* would infer the Doctrine of Exclusion as a notable Testimony for the Invocation of Saints; and for my part, I think it proves the one as much as the other. This foul play his Adversaries have sufficiently complained of, but cannot prevail with him to leave it, he is conscious that he needs such advantages, and dares not let them go. For having made such a wild assertion, as that the Empire was Hereditary, and being hard pressed by his Answerers, and withal resolved not to bate them one syllable in his whole Book, he is forced to outface plain History with strains of Rhetorick, in which the Orator frequently allows fancy as licentious flights, as the very Poets, and nay

See Archbishop *Usher*'s Answer to the Jesuits Challenge, p. 386. ed. 1625.

Answer to *Jovian*, p. 209.

nay even to ſtretch Hyperboles too by an advantageous Tranſlation. Now this argues great want of Ingenuity, an unchriſtian and *wrangling* temper, and that he contends not ſo much for the love of truth, as for Glory and Victory. Whether he hath obtained it, or not, will be further ſeen in the particular Remarks to which I am proceeding.

His Intimation, that Mr. Dean waited to ſee the other Anſwers to *Julian*, and then gave the ſubſtance of them in his Book, ſcarce deſerves any notice. It is well known, that *Jovian* was written, *currente prelo*, and great part of it Printed before thoſe Anſwers appeared. The expectation of it made my ſelf and divers others never look into them, and quite ſpoiled the ſale of Mr. *Long*'s Book, as the Bookſeller concerned hath complained to many.

It is more material for me to enquire, whether *Jovian* hath given us an *outlandiſh notion of a Soveraign*, for if he hath not, the deceit will lie at Mr. *Johnſon*'s Door. If his Notion be ſupported by the joint Authority of the Common and Statute Laws, it is great injuſtice to call it an outlandiſh one. Now *Jovian* doth not ſet up an Engliſh Soveraign furniſhed with an Arbitrary, and boundleſs Power, like that of the French King, or Grand Seignior. He acknowledgeth him to be under the direction of the Law, though he aſcribe to him a Supremacy over all Perſons within his Dominions, which let Mr. *J.* ſay what he pleaſes, is the formal notion of a Soveraign, unleſs the word be taken in an improper ſence. *Ch.* 10. *Jovian* from p. 208. to p. 214

This Supremacy he proves to belong to an Engliſh

Soveraign by many Statutes, and the Testimony of our most eminent Lawyers both Ancient and Modern, against which Mr. *Johnson* hath not one word to reply. He proceeds to a particular recital of the Essential Rights and Properties of a true Soveraign, *viz.* to be unaccountable, to have the sole power of the Sword, to be free from Coercion, and Military Resistance.

P. 218, & 219.

He sheweth these Prerogatives to be the King's due by express Statute Law, which Statutes do not vest any new Right in the Crown, but only declare what always hath been the Ancient and Fundamental Law of this Realm in those Cases. So that *Jovian*'s Soveraign is *an English Soveraign*, for ought Mr. J. hath proved to the contrary, and therefore his Jest of a *Dutch Scale in a Map of Middlesex*, is both false and impertinent. For though the Miles of several Countries have no formal Conceptions, in which they all agree, as Individuals of the same Species, yet all proper Soveraigns have, *viz.* Supremacy, from which the foremention'd rights are inseparable. Nor will his doughty Demonstration from an Act of Parliament, which useth the Term in a *lax and improper sence*, convince Mr. Dean, or any Man else, that the Notion of a Soveraign implies nothing in it but Superiority. For at that rate there will be no fixing the formal Conception of any thing, if it must be stretcht so wide as to take in whatsoever, though improperly, bears the same name. The sence of the Term Soveraign, with respect to a civil Society, is so very well known, and agreed upon in the World, that upon the very hearing it, every body forms a conception in his mind of

Preface, p viii.

somewhat

somewhat more than Superiority, and understands thereby such a superiour *as is above all, and hath none above him*, which imports Supremacy, and Mr. *J.* might as well have argued, that the formal conception of a *Baron of England* doth not imply *Peerage*, with all the Rights Essential to a Peer of this Realm, because the *Baron of Kinderton*, the *Barons of the Cinque-Ports*, and the *Barons of the Exchequer*, are not Peers, and have none of those great Privileges.

The next material thing in his Preface, is his quarrel against the Distinction of *Imperial and Political* Laws. Now let us first see how *Jovian* explains this Distinction, and then what work Mr. *J.* makes with it. He calls those *Imperial Laws* which ascertain the Rights of the Soveraign, and those *Political* which secure the Rights of the Subject. That there are Laws of both sorts, I presume Mr. *J.* will not deny, in this and all other Kingdoms, and so I see no reason for his fury against any person who invents Terms to distinguish them. P. 204.

But Mr. *J.* represents this Distinction most disingenuously, and quite contrary to the Authour's Mind. As though it set up a new sort of Law never heard of in this Nation, Authorizing our Kings to do all manner of Injustice; nay, to commission others also to Murder, Plunder, and commit all manner of outrage, and to indemnifie them when they have done it. And that he may the more effectually delude his Reader into this belief, he fraudulently confounds *Imperial Power*, (by which *Fortescue*, cited by him, understands Absolute and Arbitrary Power, which is no where given by *Jovian* to our Kings) with *Imperial Laws*,

and then deduces from it the most odious consequences he could devise.

Now I defy him to shew where Mr. Dean ascribes to our Kings *Imperial Power* in *Fortescue*'s sence or pretends, that the Imperial Laws of this Realm allow them to Act, or Authorize any of those outrages he talks of. Where doth he deny, that the Advisers or Instruments of such Oppressions are accountable and punishable, or pretend that any Commission will warrant and bear them out? Therefore all his odious consequences vanish into smoke, and his tedious citation out of *Fortescue* is wholly impertinent, since *Jovian* no where gives our Kings absolute and *Imperial Power*, though he say, that the *Imperial Laws* of this Realm forbid Subjects all Military Resistance, when their Soveraign strains Prerogative beyond its legal bounds.

P. 172.

Mr. *Johnson* in his former Book demanded, in case we are persecuted for Religion, under a Popish Successor, *by what Law we must die?* And he supposes his Adversary devised this Distinction to answer that question. Admit it to be so, he saith by the Imperial Laws we must die. Yet it is plain, he doth not pretend that those Laws authorize the Popish Successor to persecute, or give him power to subvert the established Religion, or condemn and execute its Professors against Law. All he saith, is, that those Laws forbid me in those circumstances to save my Life by Rebellion. Had I been to answer his Book, I would have turned the question upon him, and have demanded by what Law I am allowed to draw the Sword, and raise Forces against my Soveraign for self defence. Those Laws which give him the sole power of the

Sword,

Sword, and condemn a defensive War against the King, whether levied by the body Collective, or body Representative of the people, do in effect require me to submit to be murthered, and in that case he himself will admit that I must die, *my time is come.*

If splitting this same Law of the Land into Imperial and Political displease him, it is because he was in a peevish humour, for I never yet have learned, that 'tis a faulty distinction which divides the whole into its parts. However you see he grants the Imperial as well as Political Laws to be the Law of the Land; and if they be so, let the World judge whether he hath shewn the Charity of a Christian, or the Candour of a generous Adversary in thus representing the Distinction.

I will not reckon his Allusion to the words of the Devil; *Jesus I know, and Paul I know, but who are ye?* among his profanations of Holy Scripture. But he is a very sorry Exorcist, who will be gravelled with his Question. Common Law we know, and Statute Law we know, but who are ye? For the Imperial and Political Laws are both common and Statute Law, and by his own Confession the Law of the Land. Acts 19. 15.

If his suggestion were true, that *Passive Obedience*, as it is taught by his Adversaries, is Popery established by a Law, by which he only means, that it would be an encouragement to a Popish Prince to set it up without Law, an irresistible temptation to persecute the Reformed Religion, and to commit all manner of Lawless Oppression; I say, if this were true, it is no Argument that the Doctrine of Passive Obedience is false, because

ill Governours may take occasion to abuse it. Is our Saviour's Passive Doctrine on the Mount either false or foolish because *Julian* was thence encouraged to oppress Christianity, and becoming his own Chaplain, Preached it himself? This is the very fallacy, a *non causa*, which he unjustly in another place of this Preface chargeth upon his Answerer.

If the Laws oblige us to *non Resistance*, and allow no pretence of levying defensive War, and this liberty denied will as surely establish Popery as 10000 Political Acts of Parliament, let him arraign the Laws, and not this poor innocent Distinction, or *Jovian*, who only teacheth obedience according to Law. But I pray you, may not ill Men make as wicked and dangerous advantages of the contrary Doctrine? why may not the Doctrine of civil liberty, as well as Christian Liberty, be made a Cloak of maliciousness? It is notorious, that it hath been so abused, yet I would urge no Man to renounce his interest, either in the one or the other, on that account. Are not Subjects as apt to be clamorous and turbulent as Princes to be Arbitrary? are not the former as apt to claim undue Liberties, as the latter undue Prerogatives? Is it an unhappiness peculiar to Princes only to be haunted with Flatterers? Have not the People also Parasites and Sycophants about them, both Divines and Lawyers, who flatter them into an opinion of a boundless English as much unknown Liberty to our Ancestors, as boundless Power in the Prince? And have not these Sycophants as much the temptation of interest, and as fair a prospect before them in working confusions and revolutions, as the other

Parasites

Parasites can have in the hopes of Court favours? To conclude, is not Arbitrary Subjection, and an ungovernable humour in the people, as destructive to Society as Arbitrary Government? If then the Inconveniencies which may arise, render a Doctrine foolish or wicked, the Doctrine of Resistance is full as much in danger as the slavish Doctrine of Passive Obedience, and the mischievous consequences, I fear, are not altogether so accidental to the former as to the latter.

Oh! but *Jovian* owns the consequences of Non-Resistance, and saith expressly, p. 242. *In all Soveraign Governments Subjects must be Slaves as to this particular*, that is, of their *lives and liberties*; and he would fain know then in what particular they are Freemen? Is Mr. *J.* sure *Jovian* saith so? or is he sure that life and liberty are the particulars as to which he saith Subjects must be Slaves? I doubt he is guilty of a mistake, or a worse fault. The passage as torn from the context, and expounded by Mr. *J.* sounds very harsh. but I will set it down intire, and then a very ordinary Reader will understand the measure of his Candour and Honesty, in representing *Jovian*. The passage runs thus. "Therefore to cut off Resistance "in the English Government, the three Estates "have declared against all Defensive, as well as "Offensive War, it being impossible for the So-"veraignty to consist with the Liberty of that "pretence. Just as among the Romans it was "inconsistent with the Soveraign unaccountable "Power, which the Masters by Law had over the "Slaves, for them to have a liberty of rising up "against them on the pretence of Self-defence. In all Soveraign Governments Subjects must be

Slaves in this particular, they must trust their Lives and Liberties with their Soveraign. You see what this particular is in which Subjects must be Slaves, not the particular of their Lives and Liberties, but they may not levy War against their Soveraign under colour of Self-Defence. And though he saith they must Trust their Lives and Liberties with their Soveraign, it will not follow that he makes them to be wholly at the Discretion of their Prince. If Mr. *J.* and his Friends will think themselves inslaved because they may not be allowed, what he calls, just and necessary Defence when grieved and oppressed by the Government, I know no Country in the World in which they may enjoy their freedom. I am sure that Prince would purchase their good opinion at too dear a rate, who would allow them that liberty, for they would never want pretences, which they would esteem just and necessary occasions to use it, and quickly make him know, that Kings are only Servants and Trustees, and hold their Crowns and Lives too at the Peoples Discretion. To his Zealous Cant, which, fills the next four Pages of his Preface, I shall say nothing, since they contain nothing of Answer to any part of *Julian*, p. 92. *Jovian.* Indeed he hath answered it all himself, in his first Book in this Proposition: That *Christianity destroys no Man's Natural or Civil Rights, but confirms them:* for if the Law of the Land make the Soveraign unaccountable and irresistible, and declare, that the People, in whatever capacity considered, have no Authority to levy a Defensive War against him, Christianity by his own Confession confirms those Rights to the Prince, as well as the Civil

Liberties

Liberties to the People. And whoever he is, who asserts a liberty of rising up against him for Self-Defence, is guilty of removing the ancient Land-marks; and the Nation have reason to Curse him. He takes the liberty over and over, to call Passive Obedience the Doctrine of the Bow-string, and Turkish Doctrine, but till he hath proved as well as asserted, that * *Martyrdome is only suffering according to Law, that our Saviour only forbids the Resisting of legal violence,* That *St.* Paul *only forbids resisting the higher Powers, which govern according to Law, as we are to suppose* Nero *did, and till he shall have answered, the ninth Chapter of* Jovian, *to which he hath not returned one word* and shewn us, that in *all the ten Persecutions the Emperours and their Officers inflicted no illegal punishments upon the Martyrs and Confessors, but that whatever Imprisonments, Tortures, or Deaths they suffered, all was warranted by the Roman Laws, and had it been otherwise they would not have so tamely submitted to their Murtherers*; I say till all this be done, Mr. J. hath no right to call the Doctrine of *Non Resistance, the Slavish Doctrine of the Bow-string*, nor yet will he, in the judgment of Indifferent Persons, have fairly vindicated himself from the charge of *burlesquing the Doctrine of the Cross.*

* See the contrary of all this fully proved in an excellent Treatise, Entit. *Christianity a Doctrine of the Cross*, or *Passive Obedience*, &c. wherein Mr *Johnson*'s Arguments against Passive Obedience are fully considered.

There is but one thing more in his Preface to be considered, and that is, whether *Jovian* be guilty of that cheat which the learned call the fallacy of *non causa, pro causa*, in asserting that Self Defence doth more mischief than the most out-

ragious

ragious and bloody Oppression. This he saith is repeated often, but I cannot find it so much as once; It is true *Jovian* saith, *That there is some inconvenience in the Doctrine of Non-Resistance, but the inconvenience of Resisting the Soveraign is ten times worse, and that it is a remedy against Tyranny worse than the disease.* And he hath largely proved it by reasons, by instances, and by the Authority of a Book which Mr. *J.* pretends to honour next his Bible, The Book of Homilies, and to all this he vouchsafes not the least Reply. Only Rebellion is with him Self-Defence, Drawing the Sword without Authority must be righting ones self, and the natural and necessary consequences of this illegal Defence must be accidental only, and then 'tis an errant fallacy to say the Inconveniencies of Resistance are greater and worse than those of Passive Obedience, though ten thousand Lives and Fortunes are destroy'd in an Illegal Defensive War, for ten that would be lost by the Arbitrary stretching the Prerogative beyond its legal bounds. This is fallacy all over, but Mr. *J.* and his Friends have a notable faculty of charging innocent Men with their own faults, and I fear were they entrusted with the liberty of Self-Defence, they would quickly make a very offensive use of it. They would invade other Mens Lives and Liberties by way of Precaution. They would make sure of giving the first blow without expecting an Assault. And Mr. *Johnson*'s just and necessary defence, would be a much more destructive murthering piece, than *Jovian*'s *Turkish*, *Slavish*, *Bow-string*, *Cut-throat* Doctrine of Passive Obedience.

P. 256.

P. 260.

And

And thus I have done with his Preface. My Observations have swelled to a much greater bulk than I designed when I began them, and instead of half a Letter, I have written a little Book. Having this opportunity of conveying them to you by Mr. *R.* who goes out of Town to Morrow, I shall break off in the middle, and what remains you may expect (unless I can find some safer hand to entrust therewith) at furthest, by the Carrier, this day Fortnight. I am,

Dear Sir,

Feb. 2. 168$\frac{8}{9}$.

Your most affectionate Servant.

The

The Second LETTER.

Dear Sir,

HAving in my former Letter given you a general view of Mr. *Johnson*'s work, and a particular account of his Preface, I shall now proceed to the Book it self. I shall say nothing either to *Julian*'s *Arts*, or his *Answer to Constantius*, as being no part of the task you were pleased to impose upon me, though by the way there are two things which I cannot but observe.

1. First that he is guilty of a strange omission in enumerating *Julian*'s *Arts* to extirpate Christianity, in not allowing one Chapter to a very considerable Stratagem of his, which very well deserved to have been more plainly and largely insisted on. This Stratagem was the granting an unlimited Toleration to all Sects and Heresies whatsoever: this Mr. *J.* durst only intimate obscurely, and in short hints, for fear of disgusting those who best relish his writings: For as things have since fallen out, it is plain he would have lost your good opinion for ever. If he durst have adventured on the Argument, it is impossible for him to have avoided observing the mischievous consequences of that State-Engine of the Papists, falsely

falsely called *Liberty of Conscience*; nor have we reason to think he would have baulkt so diverting a subject as the *Donatists Address* to *Julian*, in which they flattered him in strains of Complement, not unlike those, which some of Mr. *J*'s Friends used to (a Person who is in his esteem) a worse Apostate than *Julian*, telling him in effect, "That God and his Church were more beholden "to him than to any of his Christian Predeces-"sors, who all tyrannically imposed on mens na-"tural Liberty in the choice of their Religion, "and wickedly usurped the peculiar Jurisdiction "of God, whereas he with unparallell'd Justice "had done right to both, restoring God to his "Dominion over the Consciences of Men, and "them to their natural freedom in religious mat-"ters. Durst he have undertaken it, he would no doubt have made admirable sport of it; for he hath a great spite at Addresses, and a notable faculty at exposing them: But Liberty of Conscience is too sacred to be touched, 'tis an Engine which will serve others as well as Pagan or Popish Apostates to ruine an established Orthodox Church: 'Tis the great *Diana* which our *Craftsmen cry up*, when they have a mind to raise the Mobile, and set them on work to pull down both the Monarchy and Church of *England*. I cannot forgive him this omission because it's evident that it is a wilful one.

Secondly, I cannot but remark how favourably he speaks of *Constantius*, and what Censures he passeth (by *innuendo's*) against *Hilary*, *Lucifer*, and *Athanasius*, for their rude treatment of him, though he will not allow the like treatment of *Julian* to be blameable; as also how he insinuates in

in the Preface to *Julian*, that the Orthodox Fathers were too stiff about words. These passages make me call to mind some of his Discourses, in which I have heard him express much tenderness for the *Arians*, and wrangle with extraordinary heat for the Council of *Ariminum*, which he would have made of equal Authority with that of *Nice*. These things consist but indifferently with the Character of a *Divine of the Church of England*, and would tempt a Man shrewdly to suspect that he is not in earnest when he calls the *Arians* Hereticks.

This would be a necessary piece of Justice to himself by an express Declaration to satisfy the World, that he is not of the *Arian* Sentiments in the matter of the Trinity, but believes at least the Orthodox meaning of the word *Homoousios*, and that all the favour he hath for the *Arians* is upon the account of their free Principles as to the matter of Resistance, that they were not like the *Socinians*, fettered with the Slavish Doctrine of *Passive Obedience*, and 'tis possible it may be the main dislike upon which some of Mr. *J*'s Friends have revolted from *Socinus* to the *Arian* perswasion of late years. These things by the way.

Perhaps it hath not been so much his Adversaries felicity to give the pregnant Title of *Jovian* to his Book, as 'tis Mr. *J*'s, who hath taken advantage thereupon, by making a flourish against the reasons why Mr. Dean pitched upon that Title, to avoid ever looking into the Book; and to excuse himself from the ungrateful task of defending a great part of his former Book: But since it is his pleasure to let so many things in *Julian* shift for themselves, let us see how he acquits

quits himself, and answers those parts of *Jovian*, which he hath vouchsafed to take notice of.

The first Reason which the Author of *Jovian* offers, why he gave that Title to his Book is, because he was chosen Emperour next to *Julian*, though nothing akin to him, while *Procopius*, a great Man, and of the Bloud, was alive; as also because at his Death he left a Son who was passed by, and *Valentinian* chosen Emperour by the Army, which overthrows Mr. *J*'s Assertion, that the Empire was Hereditary.

To this he answers, 1. That the Empire was Hereditary in *Constantine*'s Family, because the Historians mention not the Election of his Sons, but only say, that the Army and Senate, Proclaimed and Recognized them to be Emperours. The falshood of this pretence I shall have occasion to shew anon, where I am to consider the importance of those *Greek* words, whence he would infer, that they were only Proclaimed and Recognized without any Election.

2. He answers, that *Procopius* was not a great Man, and of the Bloud, but a base Impostor, impudently pretending kindred to *Julian*, in whom the *Flavian* House was extinct.

Here Issue is joined, let us see what proof *Jovian* offers for the affirmative; and then what Mr. *J*. hath said to justify his confident denial, that *Procopius* was a great Man, and of the Bloud.

For the affirmative are alledged the Testimonies of good Historians *, who expressly say, he was near of Kin to *Julian* and *Constantius*. *Ammianus Marcell.* saith, that he was Born of a noble Stock in

* See *Jovian*, p. 75, 76.

in *Cilicia*, and bred accordingly, and regarded as an eminent Person, in consideration of his near Kindred to *Julian*, who was afterwards Emperour, and often mentions him as his Kinsman. *Zosimus* mentions his Kin to *Julian* thrice over; telling us, that at *Sirmium*, when he with *Lucilian* and *Valentinian*, were dispatched into *Pannonia*, with the news of *Julian*'s Death, and the advancement of *Jovian* to the Empire; the Souldiers who killed *Lucilian* for bringing so ill tidings, and had killed *Valentinian* also, but that he was too nimble for them, spared *Procopius*, for the respect they had to *Julian*'s Kindred. On the same account he tells you, *Julian* intrusted him in joint Commission with *Sebastianus*, with a brave Army in the *Persian* Expedition, and delivered to him the Imperial Purple. He tells you further the credit he had with both the *Roman* Legions, and the Barbarous Nations their Allies, who flocked in to him when he set up, was all on the account of his being *Julian*'s Kinsman, and his Companion in all his Wars. *Philostorgius* also testifies *his relation to Julian*, upon which account, it is likely he had the care of his Funeral. *Zonaras* and *Cedrenus* go further to say what the Relation was, and upon the whole matter the Learned * *H. Valesius* in his Notes upon *Ammian. Marc.* concludes *Julian* and *Procopius* to have been Cousin Germans. And thus much in proof that he was of the Blood. To prove that, he made a considerable Figure in the time of *Constantius* and *Julian*, he produces *Ammian. Marcell.* giving an account of his being one of the *Notarii*, or Secretaries to the Emperour: of his being sent Ambassadour

* Vales. ad lib. 23. c. 3. p. 354.

bassadour into *Persia*: as likewise how *Julian* intrusted him with a Detachment of thirty thousand, or, as others relate it, but twenty thousand chosen Men. Now what saith Mr. *J.* to all this? doth he say the Citations are false? or that they are perverted and mis-applied? or doth he confront these Authorities with Historians of better credit, who give a contrary account of these things? Truly no. But having nothing to say against them, he with more craft than honesty, takes not the least notice of these Authorities in the Book to which the Preface refers: But falls to his reasons against it, as though it were not plain matter of fact fully made out by good Historians.

And let us see what worthy proof he brings to exclude *Procopius* the Imperial, or *Flavian* House. First, He was born of an House in *Cilicia*, and what then? might not a Daughter of the *Flavian* House match into a Noble *Cilician* Family? what though his Fathers name be lost? Did not a **Constantine*, Sister to *Constantius Chlorus*, marry with an *Assyrian* Tribune, whose name the Historian mentions not, and perhaps knew not any more than the name of their great Grandfathers. The Father of *Claudius*, *Quintillus*, and *Crispus*, could not be recovered by him, though it were his design in writing that Life, to flatter *Constantius Chlorus*, with a Panegyrick of his great Uncle *Claudius*. It is worth observing too how shy Mr. *J.* is of citing his Authour, who inform'd him, that *Procopius* was of an House in *Cilicia*: he dares not trust his Reader with direction to the place in *Ammian. Marcell.* for fear, that

* *Vide* Trebell. Poll. in D. Claudio.

that instead of a *Perkin* he should find a true *Plantagenet*. The Authour * saith, he was born of a *noble stock* in *Cilicia*, I need not tell you why Mr. *J.* stifles the Epithete, with many other things which will not consist with the Character of a base *Impostor*. I will set them down in the margin, for a Specimen of his fidelity and modesty. Well but for all this, *Ammian. Mar.* makes him a Pretender, and his Kindred to be pretended Kindred; which is none at all. This I confess is very subtle, but are all pretences false? Is the word *pretend* always taken in a bad sense? If his Admirers know no better, I am sure Mr. *J.* doth, and must confess, that the justest Allegations in the World, brought to make good a claim, are ordinarily call'd *Pretences*.

* Lib. 26. c. 6. Insigni Genere *Procopius in Ciliciâ natus & educatus*, eâ *consideratione qua* propinquitate Julianum *postea Principem* contingebat, à primo gradu eluxit. —— Notarius *diu perspicaciter militans & Tribunus jamq;* Summatibus Proximus, *post Constantii obitum in rerum conversione velut* Imperatoris Cognatus *altius anhelabat* admixtus consortio Comitum.

Well, but *Themistius* makes him an impudent Pretender, a mean Fellow, a sorry Pen and Inkhorn-Fellow, an Under-writer, or Clerk. Perhaps by the help of that unconscionable stretch in translating *Themistius*, possibly Mr. *J.* may perswade the greatest part of those that admire his performance, that *Procopius* was a *Justice's Clerk*, or an *Attorney's Clerk*, or it may be that he was a *Brewer's Clerk*. And truly it were happy for him, if he were in this point as ignorant as his credulous Readers are. But Mr. *J.* cannot be ignorant, that the *Notarii* were in a Post of great

Honour and Trust. That they were not forry *Clerks and Under-writers*, but the *Emperours Secretaries*, who had such an esteem for their Order, that to assert their dignity which was considerable, there is a whole *Title* in the * *Theodosian Code*, in which the first and second of the Order are made equal to *Proconsuls*: The rest equal to the *Vicarii*, and *Comites Orientis & Ægypti*, to precede according to Seniority. *Ammian. Marc.* makes *Procopius* a † *Notary*, and *Tribune*, next in order to the *Summates*, that is, the first and second who had Proconsular Dignity. Nor was it such a strange and insolent thing for a Person of that Rank to pretend to the Empire. For *Ammian. Marc.* mentions * another *Jovian*, who was the chief of the Order of *Notaries*, who upon *Julian*'s Death, was nominated by some as worthy of the Imperial Purple, and his

* Vide Theodos. Cod. vi. Tit. x. Βασιλικὰς ὑποθηκείας *vocant Graeci.*— *Fuit ergo hac Notariorum Schola—magna dignitatis. Unde &* Militia Nobilis *dicitur. l. ult hoc. tit. &* Præclarum Collegium. *l. ult. de Senatoribus Supr. — in Consistorio Principis alla & secreta notabant. — Foras efferebant* Imperialia Responsa — *Missi etiam ab Imperatoribus* Cæsarum actibus explorandis, *&c. Consule Jac. Gothofredi Comment. in l.* 1. *hujus tituli. Notariorum Primicerios — non solum Vicariis anteponi, sed etiam Proconsulibus, aquari sancimus, ut nihil nisi tempus intersit. Eodem honore — sequens Primicerium — perfruatur. Alios porro Notarios & Tribunos, Vicariis jubemus aquari, & si priores id vocari caperint, anteferri.* l. 2. & 3. † *Primicerius & secundicerius Notariorum à Marcellino vocantur* Summates. *Habiti enim erant inter* Summas Dignitates. *Vide* Cod. x. Tit. x. l. 21. * Lib. 25. c. 8. lib. 26 c. 6. *Jovianus primus inter Notarios omnes — Juliano peremptoipse à paucis quoq; nominatus, ut* Imperio dignus, *nec post creatum Jovianum egit modeste*, &c.

Namesake

Namesake thought not himself secure till he had excluded him out of the World. This was the brave Man, who at the Siege of *Majozamalcha* in *Persia*, with a few others, made their way into the Town through a Mine, and surpriz'd the place, as *Amm. Marcellinus* and *Zosimus* both agree; and therefore the Learned * *Scaliger* is mistaken in applying that passage in *Zosimus* to the Emperour *Jovian*. But not to digress: Why must ὑπογεγραφὼς be translated an *Under-writer*, or *Clerk*. I am confident Mr. *Johnson* did not find it so rendred in any *Lexicon*. I have a better opinion of his *Grecianship*, than to believe, that he needed to consult a *Lexicon* for the true sense of the word. But if *Procopius* must needs be an Under-writer; why may we not say, that *Julian* was an *Under-Reader*? for † *Greg. Naz.* saith, he was ὑπαναγνώστης, and *Sozomen*, that he did ὑπαναγινώσκειν. I am not Herald enough to settle the matter of Precedence between an Under-writer, and an Under-reader, perhaps Mr. *J.* is: But I am sure I should render my self very ridiculous, should I translate that word after his Example, and thence inferr, that it is unlikely that *Julian* was of the *Flavian* House, and that he was an Impudent Pretender.

* Jos. Scaliger in Animadv. in Euseb Chron. p. 257. a.

† Naz. Orat. 3. p. 94. Sozom. l. 5. c. 7.

But when all is done, where is the ingenuity of out-facing the plain evidence of so many grave Historians, with a flattering Panegyrick, spoken to *Valens*, on occasion of his Victory over *Procopius*; in which ‖ *Petavius* observes, that he falsly cele-

‖ *Parum sincerè hæc sæ adulatoriè dicta. Constat enim*

enim Valentem mirum in modum perculsum & consternatum fuisse. Petavius ad Themistium, Par. 1618. p. 591. Post victoriam in Tyranni sautores atrocissimè sævitum est —— *sed* eruditus Adulator *Themistius ejusdem clementiam in sontes & noxios humanitatem extollit hac Oratione*, p. 590. *Dicta hæc ad Principis adulationem & ambitiosè ficta. Quam atrociter eadem victoriam persecutus sit Valens docet Ammian. l. 26. & Zosim. &c p. 600. Hæc habet Zosimus, l. 4. p. 739. in Hist. Rom. Scriptores Græc. Francof. 1590.*

brates his unshaken constancy; whereas *Amm. M.* saith, he was in great consternation upon the news that *Procopius* set up for the Empire: that he celebrates his Clemency and Compassion towards his Enemies, whereas the Historians represent the Executions after his Victory to have been more Cruel than our Bloody Western Assizes after *Monmouth*'s defeat, and had been in all likelyhood much more cruel than they were, but for the Death of *Serenianus*, who would have urg'd the Emperour, naturally too revengeful, unto greater inhumanities. Now as *Themistius* was to employ all the Forces of his Eloquence to extol the Conquerour above his merit; so doubtless he did as extravagantly run down *Procopius*, whose unfortunate Enterprize and Death, rendred it safe to rail at him, and perhaps the humour of *Valens* made it necessary so to do. Wherefore upon the whole matter, the Evidence of *Themistius* is to be set aside, and his testimony is no balance to the Authority of those Historians alledged by *Jovian*.

**Tyranni sævitiam exaggerat, & ex adverso legitimi Principis mansuetudinem & clementiam. Petavius p. 590.*

He further adds, that *Procopius* setting up for the Empire, under pretence of being of the *Constantine*

ſtantine Family, is a ſtrong proof that the Empire was lookt upon as Hereditary. But by his leave, if we had not ſuch abundant proof to the contrary, it would be at moſt but a *preſumption*, which falls very far ſhort of a *ſtrong proof*: whereas the paſſing by *Procopius*, after the death of *Julian*, and *Varronianus*, after the death of *Jovian*, are double *preſumption* againſt him, and much more ſtrongly infer the contrary.

I have been more *prolix* on this head, to ſhew how conſcientiouſly Mr. *Johnſon* cites Authors, and muſt add a word or two more, to ſhew you how much he abhors the abuſe of Scriptures, to expoſe an Adverſary. As he is ridiculing *Procopius*, who ſtands by himſelf at the bottom of the *Flavian* Genealogy, he applies to him the Apoſtle's deſcription of *Melchizedek*, Heb. 7. 3. *without Father, without Mother, and without Deſcent.* I appeal to all the World, whether he did not forget his Character as a Clergyman, and his profeſſed abhorrence of the abuſe of Scripture, when he took this liberty to expoſe an *Impoſtor*, and *Vagabond Landloper*, as he calls *Procopius*, in the very terms, wherein among others, *Melchizedek* is by the Fathers taken to be deſcribed as a Type of Chriſt. If Mr. *J.* be immoveably reſolved as to *Julian*, that he will not abate one ſyllable in the whole Book, yet I hope he will take more modeſt reſolutions touching the defence of it, and upon ſecond thoughts, retract this irreverent and profane Alluſion.

Thirdly, He anſwers to the inſtance of *Jovian*'s Son *Varronianus*, who was paſſed by, and a Stranger Elected, whereas the younger *Valentinian*, at four years old, was Created Emperour:

That the setting aside the former *signifies nothing*, but the Case of *Valentinian* is a greater Argument that the Empire was Hereditary, than the setting aside of Ten at that Age is to prove the contrary. I would know for what reason besides Mr. J's will and pleasure, the making *Edgar Atheling*'s Case parallel, is meer amusement. For besides, that his Father before him was excluded by the Power of the *Danes*, and himself by the Friends of *Harold*, and after by the Conquest of *William*, the greatest Friends to the Succession will not undertake for a strict Hereditary Descent of the Crown in the *Saxon* times.

But the reason why *Varronian* was passed by, and *Valentinian* the Younger, in the like Nonage was made Emperour, is very obvious. *Jovian* reigned not long enough to oblige the great Men in the Senate and Army, he was forced to make a Peace upon such Terms as he could get with the *Persians*, and his short Rule gave him neither time nor opportunity, by any glorious Atchievements, to recover his Credit, and endear himself to the Army and People. Whereas *Valentinian* Reigned gloriously twelve Years, and was very Popular, had *Merobaudes* his firm Friend, who was a wise Man, and by his Policy the younger *Valentinian* was Created Emperour; Not that the Hereditary Right of the *Valentinian* House, would otherwise have been usurped upon; for *Valentinian* the Father was the first Emperour of that Race, and left his Brother *Valens*, and Elder Son *Gratian*, in possession of the Imperial Throne; but as *Amm. Marcell.* intimates for fear lest on *Valentinian*'s Death, the Legions in *Gaul* (who very well knew the Empire was not Hereditary)

should

should create another Emperour, perhaps *Sebastianus*, who was for that reason sent far enough out of the way *.

* Lib. 30. c. 10.

A second Reason for the *Title Jovian*, was his being a Confessour for his Religion, under the Apostate, who is said to have persecuted against Law, and yet *Jovian* demeaned himself quietly. To this he replies, that if *Jovian* were quiet, *Valentinian* was not so, when he struck the Priest, nor the *Cæsareans* who destroyed the Temple of Fortune. But what is this to the Point? did they offer to take Arms against *Julian*, or to Rebel against him that persecuted their Religion against Law?

The impertinence of these instances Mr. *J.* was aware of, and for that reason intimates somewhat, which if true, would be more to the Purpose, (*viz.*) that *Julian* durst not trust *Jovian* himself, nor leave him behind, lest he should rebel during his absence in *Persia*.

This is the plain meaning of what Mr. *J.* doth not speak out. He cannot imagine what necessity *Julian* should have of *Jovian*'s Company in the *Persian* War, for that he was in no Post where his service could be considerable, but a *Pikeman*, not intrusted with any Command, so much as of a Serjeant, being no more than a common Foot-Souldier. Here is Fiction upon Fiction, without the least Authority to give it colour. What a pregnant fancy hath our Authour, who can manage a slight hint to such advantage, and improve a single word into so formal a story? He doth not quote his Authour for this, who was *Themistius*. He had reason to conceal him, lest his Reader should

† ἀχμαφίφ, p. 191.

should take pains to consult the place, and find no such thing but a plain intimation to the contrary, as you shall see anon; and I wonder how he adventured to cite *Socrates*, who flatly contradicts his groundless Assertion, that *Jovian* was no more than *a common foot Souldier*. I will cite the entire passage, according to the *Translation of Valesius*.

"*Jovian* being *a Tri-
"bune when *Julian* gave
"the Souldiers their opti-
"on by a Law, either to
"Sacrifice or be cashier'd, chose rather to lay
"down his Commission, than to obey the Com-
"mand of that ungodly Prince. Nevertheless
"*Julian* being constrain'd by the necessity of the
"approaching War †, *re-*
"*tain'd him* among his Com-
"manders. So *Valesius* more fully expresseth the true importance of the greek word, than Mr. *J.* who renders it *had him* among his Commanders.

* ὅστις χιλίαρχος ὢν - Soc. *l.* 3. *c.* 22. Tribunus Militum. Valesius.

† ἐν τοῖς στρατηγοῦσιν ἔχω τὸν ἄνδρα. ἔχω frequenter pro καλέω usurpatur.

This place manifestly implies, that *Jovian*, notwithstanding his refusal to Sacrifice, continued in the same Command: for though he chose rather to lay down his Commission than Sacrifice, yet *Julian* chose rather to dispense with his own Edict, than part with such an excellent Officer. So then *Jovian* was neither cashier'd nor reform'd, as neither were *Valentinian* nor *Valens*, upon their refusal to Sacrifice. For *Socrates*, in the beginning of the next Book, relating the Election of *Valentinian*, and how steddy in their Religion both he and his Brother *Valens* were, expressly saith,

saith, that though they both chose rather to lose their Employments than to Sacrifice, yet the Emperour *Julian* knowing them to be very serviceable to the Commonwealth, * *removed neither of them from their military stations*, nor yet *Jovian* who Reigned after him. And it is further evident, that *Valentinian* was not dismissed his Command, from † *Theodoret*'s relation of his striking the Priest, for which he incurred *Julian*'s displeasure. The Historian tells us, that he was a Tribune, and Captain of the Life-Guards, which kept the Apostates Palace: whereas if he had been cashier'd, he would not have been obliged to have attended *Julian* to his Pagan-Worship, and by consequence would have had no provocation to strike the Priest, for which he was Imprisoned.

* ἀδόκα ὁ τριβοῦνος ἐκεῖνος, ὅστερ ἐπὶ Ἰωβιανοῦ. Socr. l. 4. c. 1.

† *Theod. l. 3. c. 16.*

But to return to *Jovian*. * *Ammian. Marcell.* saith expressly, that he was Captain of the *Domestici*, or Life-Guards: and St. † *Hierome* in his *Continuation of Eusebius* saith the same; and sure Mr. *J.* is a bold Spark, who undertakes to perswade the World, that *Julian* intrusted him with no Command, no not so much as that of a Serjeant, and insinuates a suspition in the Apostate, that *Jovian* would prove false to him had he been left behind, when so good Authours assure us, that he trusted his Life in his hands. I verily believe, that Mr. *J.* took this hint of *Jovian*'s being a Pikeman from the words of *Themistius*, cited by

* *Domesticorum ordinis primus.* Amm. Marc. l. 25. c. 5.

† *Ex Primiceriis Domesticorum Imperator factus est.* Hieron. in Chron.

by * *Valesius*, in his notes on *Ammian. Mar.* and if so, it was disingenuously done to wrest them against the express testimony of that Historian, as also of *Eutropius* and St. *Hierome*, both cited in the same note, but if he took it at the first hand from *Themistius*, it is evident in the same page, that by using the word † διχμοφόρος, that Orator had no design to represent *Jovian* as an ordinary Pikeman, and no more than a common foot Souldier, as Mr. *J.* pretends, but to shew from what rank of Military dignity *Jovian* rose to the Imperial Throne, (*viz.*) Captain of the Houshold-Guards, who were armed with Spears and Lances, and if Mr. *J.* had pleased he might have made a Trooper of him, for some of them were Horse, as * *Suidas* informs us. The *Protectores domestici* were in a Post of Honour and Trust, unto which the *Veteran* Souldiers of extraordinary merit were wont to be preferred in recompence of their long and gallant Service. Thus was † *Leontius* preferred by *Julian*. And in the * *Theodosian Code*, this Order is considered as a dignity of the Empire, and great Priviledges granted and confirmed by several Princes in their Laws there extant. The Primate, or Chief of this Order, (which

* In notis ad Ammian. p. 430. Edit. 1681. διχμοφόρος ἐξεστρατιωτικός. κλ.

† διχμοφόροι idem quod δορυφόροι satellites, ita vocantur *Protectores Domestici*, quorum Primicerius extitit *Jovianus*. Τῶν δορυφόρων τις, ὡς οἰκίας καλῶν ὁ βασιλεύς. Socr. l. 1. c. 13.

* In voce, Δομέστικοι οἱ τῶν Ῥωμαίων ἱππεῖς.

† Julian Ep. 22. ἐγκαταλέξαμεν δέ σε τῷ τῶν οἰκείων συντάγματι.

* Cod. vi. Tit. 24. l. 5. 7, 8, 9, 10, 11.

which was *Jovian*'s station) together with the Ten next below him, had the Dignity of Senators, and the Title of *Clarissimi*, with other Honours, too long for me here particularly to recount. And when * *Themistius* commends the Modesty of *Jovian*, who was advanc'd from a Rank which was not one of the very prime and most eminent, to the Supreme Dignity; he very manifestly supposeth him to have been an Officer of considerable Quality; as also, where he mentions his lowly and courteous demeanour towards such as, before his creation, were his Inferiours and Equals in Dignity. You see, by this Instance, how far Mr. *J.* is to be trusted, and how much he presumes upon either the Favour or Ignorance of his Admirers, who advances a Supposition against plain matter of fact, attested by the best Historians, and draws Inferences from his Fiction to support a desperate Cause.

* Ἐκ τάξεως ἣ λίαν πρώτης οὐδὲ ἢ δευτέρου ὑψηλοτάτου ἐκ ἐξελάθη καὶ ἀμαρτίμων — ὅτι ὑφηνίας καὶ ἐπιλαλλημένου.

A Third Reason for the Name *Jovian*, was, because the *Antiochians* abused and libelled him as well as *Julian*: which shews, That it was the evil humour of that People to lampoon and libel every body that displeas'd them. And he further sheweth, That their Quarrel with *Julian*, was upon other accounts, there mentioned, rather than his Religion.

To this Mr. *J.* answers, That none but the Heathens of *Antioch* abused *Jovian*, probably because he was a Christian: whereas 'tis evident, from his *Misopogon* and *Theodoret*, That the Hatred of the Christians of *Antioch* to *Julian*, proceeded from the height of their Christianity and fervent

servent Love to Christ; and he quarrels with his Adversary as a Shuffler for calling their *Zeal* Scurrility, *P.* 103, 104.

Certainly Mr. *J.* would lay a very signal Obligation upon the World, if, out of the depth of his *Grecianship*, he would furnish us with some sure Rule, by which it may be known when the word Ἀντιοχεῦς is to be understood of none but the Heathens of *Antioch*, and when only of the Christians of that City. I acknowledge, That he doth not expressly say, that none but the Christians of *Antioch* abused *Julian*; but he fouly insinuates as much, when taking no notice that the Heathens also libelled him, he citeth *Theodoret* to prove, That their Libels were the effect of an Heroical degree of Christianity. The Historians alledged by * *Jovian* do all impute the Libels, and Abuses offered to both those Princes, indefinitely, and without distinction, to the *Antiochians*. Wherefore till I see some better Authority for it than Mr. *J*'s bare word, I shall crave leave to suspend my Belief, that none but the Heathens of *Antioch* lampoon'd and reviled *Jovian*, upon account of the Peace made with the *Persians*: as for his Religion, none of their Libels do so much as obliquely reflect upon it, unless Mr. *J.* or *Baronius* have met with more of them than *Suidas* could give an account of.

* P. 99.

Again, Mr. *J.* answers none of *Jovian*'s Citations, which shew expressly that it was his morose and philosophick Humour, and setting so low a price on Provisions at *Antioch*, that the Country People and Corn-Merchants could not afford to sell them at so cheap rates, and thereupon left off the Market, whereupon ensued great Scarcity:

Neither

Neither doth he take notice of those * other Testimonies, which prove the evil humour of the people, who were voluptuous Lovers of the Theater, and Shews, given to Satyrs and Lampoons; he turns his back upon them all, which I confess is more tolerable, than it would be for him impudently to outface so many full and express Authorities.

* Vid. Jovian. p. 99. ad p. 104.

Lastly, That a good zeal may be expressed in very extravagant, and unwarrantable ways, is no new discovery; it is an old and necessary distinction, which is commonly made of the pious affection from the indiscreet, and sometimes sinful efforts thereof. And that in the height of their Christianity, some People may fly out into as great an height of scurrility, we need no other proof than Mr. *J.* himself; the height of whose Protestantism, and hatred of Popery, hath made him cast many scurrilous reflections, not only on his Adversary, but also upon the best of the Primitive Bishops, and the *best* of the *present English* Church.

The fourth and last reason for the name *Jovian*, was that to encourage him to accept the Empire upon *Julian*'s Death, the Souldiers all cryed out with one common Voice, that they were Christians; which shews, that their Passive Behaviour under the Apostate, proceeded not from want of strength and numbers.

Mr. *J.* replies, that all *Julian*'s Army were professed Heathens, besides *Jovian* and *Valens*, he never read of any professed Christians among them, unless he be added whom *Libanius* and *Sozomen* talk of. *i. e.* As suspected to have kill'd the

the Apostate. He seems, in the height of his Charity, almost willing to believe, that his Answerers are mistaken, and that their errour lies in jumbling together the beginning and the latter end of *Julian*'s Reign, which ought to have been carefully distinguished; because in the beginning of his Reign, the Christians had a legal establishment, had numbers and Arms sufficient for their defence, which they had not in the latter end of his Reign, being disbanded and disarmed; and by this notable expedient of a distinction, he labours to solve the passages of *Greg. Nazian.* and St. *Augustine*, which prove the fidelity of the Christian Souldiers to a Pagan Apostate.

Here Mr. *J.* according to his old custom, takes no notice of the other Arguments which *Jovian* offers to prove, that it was impossible the Christians should want strength and numbers, if they had the will to resist *Julian*; nor doth he consider how easy a matter it had been for them, in the Western part of the Empire, to have set up an Emperour of their own Religion, while *Julian* was employed in the East. There were undoubtedly many Legions in *Gaul*, in *Britain*, in *Spain*, and *Africk*, in *Germany*, *Helvetia*, and *Italy* itself, and generally Christians, for we read nothing of cashiering Christian Officers in all these Countries; so that admitting *Julian*'s Army in *Persia* to have been composed wholly of profest Pagans, yet Mr. *J.* hath by no means made out what he insinuates in his *Taunton Proverb*, that the Christians wanted not a stomach, but only force for a Rebellion. It doth not follow because we read not the Names of any professed Christians in *Julian*'s Army besides *Jovian*, and *Valens*, therefore

fore they were all professed Heathens. I am apt to believe the Test was not put upon all the Souldiers, but on Officers only; and not on them generally but only on such as did *militare in Palatio*, who had Offices in the Guards. But I will not be positive.

Mr. *J.* is very fond of the suggestion of *Libanius*, that a Christian killed *Julian*; but if that instance serve the Hypothesis of Resistance, it doth overthrow what he insinuates in this place, (*viz.*) that there was not a fourth Christian in the Apostate's Army. For *Libanius* might have soon found out the Murtherer, and have describ'd him by name, had there been no more than three Christians in the Army, whereas he only describes him by his Religion, and supposeth many of the same Character to have been in the Army when *Julian* * receiv'd his death's wound.

* Sozom. l. 6. c. 1.

But to proceed to his distinction, which his Answerers have been so blind as not to observe, that the state of things was vastly different in the latter end of *Julian*'s Reign from what it was in the beginning. I hope he doth not pretend to the honour of the first discovery; if he doth, he is very unjust to † *Bellarmine*, who being pressed with this Authority of St. *Augustine*, evades it with the very same distinction, of the beginning and later part of *Julian*'s Reign; so that he is beholding to that great Jesuit for this choice distinction, as he was to another of that Society for his observation, that * *Sozomen* justified the

† Bellarm. de Pot. Summi Pontif adversus Barclaium. c. 7. p. 92. Edit. Colon. 1611.

* Jo. Mariana de Rege & Regis Instit. lib. 1. c. 6.

ſuppoſed Aſſaſſination of *Julian* by ſome Chriſtian.

Mr. *J.* is pleas'd in great ſcorn to call his Anſwerers, *Tranſcribers*, p. 112. but if it be a ſcandalous Title, I had rather, with Mr. Dean, be twitted with tranſcribing Biſhop *Biſſon*, Dr. *Hakewell*, Mr. *Bochart*, than with him deſerve reproach by tranſcribing *Bellarmine* and *Mariana*, out of Books expreſly written to maintain the depoſing and King-killing Doctrine.

But ſince he hath given himſelf the trouble, let us ſee whether it were worth his while to fetch this diſtinction ſo far as *Rome*; let us try how it ſolves *Nazianzen*'s Teſtimony. Mr. *J.* for a certain reaſon, thought it not fit to truſt it entire with his Reader, but I will give it at large. The

* *Orat.* 3. *p.* 75.

* Father having recounted *Julian*'s Arts, by which he perverted the greater part of the Army, proceeds thus. " But he did not draw off the whole, " for he [the Devil] who perſecuted by him, " gave him not ſo much power againſt us, but ſtill " there *were left above ſeven thouſand who bowed not* " *the knee to Baal*, nor yet worſhipped the golden " Image, nor were wounded of the Serpents [but " were preſerved] by looking at the Serpent " which was hanged up, and deſtroyed by the Suf- " ferings of Chriſt. There were many in pla- " ces of Power and high Dignity, and the more " likely to be overcome both by Fears and Hopes; " as alſo many of inferiour Condition, remarka- " ble only for their Numbers; by whom (when " he aſſaulted them) he was repulſed, as a brave " ſtrong Wall doth the Batteries of a ſorry En- " gine. Saith Mr. *J.* our Authour might eaſily

ſee

ſee that *Gregory* mentions this Remnant, of more than 7000. *&c.* before *Julian* had made any Edict againſt the Chriſtians, in any kind, *&c.* And it is intolerable falſe Reaſoning to conclude, That the ſtate of Affairs in the End of *Julian*'s Reign, was the ſame that it was in the Beginning. And it is as falſe Reaſoning to infer, from the mention of this Remnant of 7000. genuine brave Chriſtians before *Julian*'s Edicts againſt Chriſtianity, That there were none of them left in the latter end of his Reign; but that this paſſage entirely reſpects the quiet Beginnings of his Government, before any Edict made againſt them, before the enſnaring Donative, and many other Arts of corrupting were uſed. And to apply it thus, renders this Paſſage intolerable Nonſenſe: why ſhould *Nazianzen* ſpeak of a Remnant who bravely retained their integrity, before any conſiderable number had Apoſtatized in hopes of Preferment, or for fear of Caſhiering? Why doth he allude to the ſtate of the *Iſraelites* under *Ahab*, when the Prophet *Elijah* thought that almoſt no body was left beſides himſelf, who had not Apoſtatized to *Baal*'s worſhip, if he had reſpect only to the beginning of the Apoſtate's time, when Chriſtianity was the eſtabliſhed Religion of the Empire? Why doth he allude to the three Childrens refuſal to worſhip the *Golden Image*, if the Chriſtians incurred no danger by refuſing to Sacrifice? If there had been no Edict againſt them, no not ſo much as to give them the nick-name of *Galileans*, much leſs any Edict to Caſhier the Chriſtians, how ridiculous is it for *Gregory* to celebrate their conſtancy, which is generally in perſons of great Power and Dignity, more liable

to be shaken through fear or hopes? What was there applied to work upon their fear, if no severe Edicts had passed against them? or what should move their ambitious Hopes, if no Baits of Preferment were laid to ensnare them? In fine, how could *Gregory* say, That they repulsed the Assaults of the Apostate, as *a brave strong Wall* doth a sorry Engine, before any Assault or Battery was made upon them? but rather than lose the benefit of *Bellarmine*'s distinction, Mr. *J.* is content that *Gregory* shall speak neither Truth nor Sence.

Let us see whether it answer the Testimony of St. *August.* any better: the place, because curtail'd by Mr. *J.* you will find intire in the Margin. "When he "[*Julian*] would have them "to worship Idols, and offer "Incense, they preferr'd God "before him: but when he "said, *Lead forth the Army*, "*march against such a Nation*, they immediately obeyed. They distinguished "their eternal Lord from "their temporal lord, *&c.* The Christian Souldiers were some of them, it seems, Commanders of great quality in the Army; for the words, *producite Aciem*, plainly import it. And if Mr. *J.*'s way of Arguing upon *Nazianzen* will hold, That, because he mentions the Remnant of 7000. before the Edicts, the

* *Julianus extitit infidelis Imperator, nonne extitit Apostata, iniquus Idololatra? Milites christiani servi erant Imperatori Infideli. Ubi veniebant ad causam Christi, non agnoscebant nisi Illum qui in cœlo erat. Quando volebat ut Idola colerent, ut thurificarent, præponebant illi Deum: Quando autem dicebat, producite aciem, ite contra illam gentem, statim obtemperabant. Distinguebant Dominum æternum à domino temporali, & tamen subditi erant propter Dominum æternum, etiam domino temporali.* Aug tom. 8. in Psal. 124.

the Passage must relate to the former part of *Julian*'s Reign; St. *August*. Testimony will as well prove Christians commanding the Apostate's Army after the Edict, which obliged all to sacrifice to Idols or quit their Places; for he mentions their Refusal to sacrifice before their Obedience to lawful Commands of the Apostate: But 'tis very false Reasoning to infer the order of time from the order in which things happen to be mentioned. We have clearer Evidence that this passage of St. *August*. relates to the latter part of *Julian*'s Government; for the *Persian* Expedition was in the later end of his Reign, and this was the only Expedition on which the Apostate went. The *Persians* were the onely Nation against which *Julian*'s Christian Officers led forth their Soldiers. To prosecute the War, the Apostate came to *Antioch* eleven Months before his Death, (*viz.*) about the 26*th*. of *July*, 362. and continued there till *March* 5. when he took the field against the *Persians*, and before his arrival at *Antioch*, and indeed before he left *Constantinople*, he discovered his Malice to Christianity, and began to abridge and * repeal the Priviledges granted by *Constantine* and his Sons to the Christians, especially the Clergy. But immediately after his coming to *Antioch*, he began openly to persecute the Christian Religion: and yet after this we find Christians both in the Court and Camp. *Juventinus* and *Maximus*, whose bold Remonstrance against the Impiety of *Julian* procur'd them the Crown of Martyrdom, were both in the Apostate's Life-Guards at *Antioch*, where they sealed their good Confession with

* Vid. *Cod. Theod. Cod.* xii. *Tit* de Decurionibus. *leg.* 50.

their Blood. The story of the *Donative* plainly imports the number of Christians not to have been so very inconsiderable in the Apostate's Palace and Guards: for *Sozomen* relating the fraudulent *Trick*, saith, that it was * *an occasion of shewing their Courage to many who served in the Palace*. He proposeth so many several Causes of the Compliance of the Christian Soldiers, that we have reason to believe the number was not small; some through Simplicity and deference to old Customes; some through Fear and Surprise; others blinded by Covetousness: and besides these, some there were who shewed an heroick Christian Courage, refusing both to Sacrifice and to receive the Emperors *Donative*; or as *Theodoret* relates the matter, absented themselves under the pretence of sickness. And those who did comply, continued Christians still. They did understand it to be an implicite denial of Christ; though they were circumvented, and ensnared, they did not abjure their Saviour, nor did they leave the Army; none were cashier'd but those that came to expostulate with the Emperour for trapanning them into Idolatry. So that after this ensnaring *Donative*, many Christians were still in Arms about the Emperour's Person, and it is reasonable to believe, greater numbers in the rest of the Army.

* Πρόφασις ἀνδρίας ἐν ὀλίγοις ἐγένετο τοῖς τοῦ βασιλείου στρατευομένοις. Sozom. l. 5 c. 17. And the punishment was Cashiering & Expulsion from the Court. Ἐξιόντα τῶν βασιλείων. This is the ground of my Conjecture, That the Edict of requiring all to sacrifice or to lay down their Arms, was not throughly executed, but only in the Prætorian Bands, & other Guards & Troops which did *in Palatii militare*.

my. I find no reason to doubt, but that *Victor* and *Arintheus* *, who were both eminent Commanders in the Army of *Constantius*, and under *Julian*, both † general Officers in the *Persian* Expedition, were Christians in *Julian*'s time, who appeared so zealously and couragiously in defence of the Orthodox Faith, to the very face of the * Emperour *Valens*, but not having any Court Employments, their distance secured them from those Tryals, which those who were near at hand could not avoid.

* Ammian. Marcell. l. 25. c. 5.

† Vide Zosim. l. 3. p. 162, 163. Amm. *Marc.* l. 24. c. 1.

* Theodor. l. 4. c. 33.

Thus you see that after all Mr. J's. pains to sink the number of professed Christians in the Apostate's Army, into two, or at most three, in the latter end of his time, their number appears not so contemptible; and in case any great Man should have set up against *Julian*, upon the score of his enmity to the Christian Faith, the new Converts, who were not sincere Pagans, would have been likely to have sided with him.

His Arguments to prove, that the Christians wanted Arms, are very trifling. " As for what " force of Arms and Ammunition they had out of " the Army, appears fully " by * *Julian*'s Edict, a con- " siderable time before, " wherein he charges *all the Christian Laity in* " *the Empire*, not to be perswaded by *their Bi-* " *shops*, to take up stones and disobey their Ma- " gistrates. Truly a very dangerous Magazine! " Can any thing be more plainly said, *to shew that* " *the Christians were disarmed?*

* Julian. Ep. 52. quæ est ad Bostrenos.

What wretched Sophistry is this? He neither offers nor can produce any positive and express evidence, that the Lay Christians throughout the Empire were disarmed by *Julian*. None of his Historians mention any Edict of that Importance, much less the Execution of any such Law. He may as easily squeeze water out of a Flint, as a plain proof that the Christians had no other Weapons but the stones in the streets, out of that passage of the Epistle, or Edict of the Apostate, cited by him. What though the Rabble, on a sudden provocation, threw stones at a Pagan Priest, or a busy small Officer, for which, upon complaint, *Julian* chides the *Bostrians*, and makes this constitution? doth it follow, that *nothing can be more plainly said*, to shew that the Christians, *i. e. all the Christian Laity of the Empire* (as he just before expounds * *Julian*'s words) *were disarmed*, naked and defenceless, even to contempt? For my part, I confess, that I have not Logick enough to discern the connexion of Mr. J's inference with † the words he cites; and I know many others to whom an express testimony of some good Historian, that *Julian* caused all the Christians every where to be disarmed, would be plainer evidence than these words. A Man of the next Generation, who shall read, that Dr. *Lamb* was stoned to Death by the *London* Mobile, in the time of King *Charles* the First, and peruse all the Writings which represent that Excellent King as an Arbitrary and Tyrannical Prince, may even as evidently

* Πᾶσι τοῖς δήμοις. Which perhaps may respect only the *Bostrians*, and their Neighbours.

† Μὴ συσσιδάζειν τοῖς κληρικοῖς, μηδὲ ἀναπείθειν παρ' αὐτῶν λίθους αἴρειν. Julian. Ep. 52.

dently and plainly conclude thence, that all the People of *London* were disarmed, that there was neither Sword, nor Spear, neither Pistol, nor Musquet, neither Powder nor Bullet in the whole City, that they had no other Magazine of Weapons for offence, but the stones of the street. But no more of this matter till we meet *Julian* at *Nazianzum*, in danger of kicking or drubbing by old *Gregory*.

Before I leave this passage, I must acquaint you how much Mr *J.* hath *improved the Apostate's Calumny*, in translating his words. He renders κληρικοῖς Bishops, which word signifies the * Inferiour Clergy, as distinguished from their Bishop; and is thus used † by *Julian* himself in this very Epistle, not many lines from this passage What *Julian* very falsly chargeth on the Inferiour Clergy, Mr. *J.* maketh him impute to the Bishops, *viz.* that they stirred up the People to make Riots, and raised Sedition. What service this may do his Cause, I am not able to guess, I am sure it shews what a Friend he is to the Episcopal Order.

* Κληρικὸς λέγω, πρεσβύτερος, διάκονος, ὑποδιάκονος, ἀναγνώστης, ψάλτης. Phot. Nomocan. Ti. de Fide c. 31. in Textu.

† Τὸν ἐπίσκοπον τίτον καὶ τοὺς κληρικούς. Julian. ibid.

Having thus answered *Jovian* with a few cavils against the Reasons given for the Name, he makes some shew of defending his strange Assertion, that the *Roman* Empire was Hereditary, and alledgeth a passage out of Bishop *Bilson*, importing as much. But since Mr *J.* set so light by the Authority of that good Bishop, when used by * *Jovian*, to shew, that the Christians did not want sufficient force to have resisted

* Preface to *Jovian*. p. 4, 5.

resisted the Apostate, would their Principles have allowed it, no Man will believe that Mr. *Johnson* thinks that Learned Prelate Infallible. And I see no reason why Mr. Dean may not take the same Liberty Mr. *J.* hath done, and beg his Pardon too. 'Tis a palpable Errour. And yet though such a loose passage might unwarily fall from Bishop *Bilson*, in a matter not directly in controversy, without impeaching his Learning or Integrity, Mr. *Johnson* must not be so excused, who hath studied the point, and writes a Book whereof the main design depends on the Truth of this Assertion.

You tell me, Sir, how much his boast of an uninterrupted Succession of five of the *Constantine* Family takes with many, and passeth for a demonstration, which I wonder at, when Mr. *J.* himself confesseth, that *it is no proof of Right*. Unless those five claimed the Imperial Crown, *as their Birthright*, by vertue *of Proximity of Blood*; this Allegation is nothing to the purpose, were it true. But 'tis no less false than impertinent: For *Maximianus Herculeus* was not of the *Flavian* house, his relation to *Constantius Chlorus* came by the Adoption of *Constantius*, which engrafted not *Maximian* into the Family of his Adopted Son, but contrarywise, made *Chlorus* a branch of *Maximian*'s stock; but I need not stand with him for so small a matter. It is plain, from his own kind Friends *Themistius* and *Eumenius*, that *Maximianus Herc.* was not esteemed of the same house with *Constantine* and his Sons, nor was their Succession counted from him. * The former

* Ἐκ τεταγονίας βασιλικῆς. Themist. Orat. 1ª p. 2. Edit. Paris. 1684. Item Orat. xvii. ex Edit. Petavii, 1618. Τὰ σκῆπτρα ἐκ τεταγονίας διαδιξάμενοι. Vid. Notas.

former of them, in a flattering Oration on *Constantius Junior*, recounting the various Subjects of the several Panegyricks made on the Emperour, tells us, that some Orators chose the Nobility of his Family, and *Three Successions* in the Imperial Throne, *viz.* of his Grandfather, his Father, and himself; whereas if they could have hooked in *Maximian* into the Succession, those Orators would not have failed to have called it *a Royal Succession of Four Descents* in the same house. And the later, calling *Constantius the Great* a third Emperour of the same Family, doth not derive his Pedigree from *Maximian*, but from * *Claudius*, who was Great Uncle to *Constantine*, by the Mother's side, from whom no lineal Succession could be derived. And had not *Constantius Chlorus* been made *Caesar*, neither his Descent from *Claudius*, nor his Adoption by *Maximian*, would have given him any colourable Title to the Imperial Crown.

* De Claudio —— *Ab illo generis autore in te Imperii fortuna descendit. Eumenius in Panegyrico dicto Const.*

Thus, Sir, you see that the uninterrupted Succession in which your Neighbours triumph, was of no more than Four, which is no such Rarity, as they are made to believe. But to prove an Empire Hereditary, it's not so material to shew how many of one Family have reigned, as by what Title one succeeded another.

Now for some shew of Right, Mr. *J.* is forced to trump up again a Passage of *Eusebius*, cited in his former Book; which though fully considered by † *Jovian*, and so clearly answered, that he hath not one word to reply; yet with a sort of Assurance, some-

† *P.* 61, 62, 63, 64, 65.

ſomewhat peculiar to himſelf, he tells the Reader it cannot be anſwered.

If in this Paſſage *Euſebius* had declared that the *Flavian* houſe was the Royal Family, or that the Laws of the Empire gave the Son a right to ſucceed the Father, it would have been ſomewhat to the purpoſe; but he meddles not with the *Roman* Conſtitution, he only tells us that *Conſtantine receiving the Empire from his Father, left it to his Sons, for whom, and their Poſterity, it was reſerv'd as an everlaſting Inheritance.* It is no more than a good abode, that *Conſtantine* leaving three Sons all *Cæſars*, the Empire would continue for ever in his Family. And as much might be ſaid in a Panegyrick on the preſent Emperour of *Germany*, if he ſhall leave three Sons behind him, having had the happineſs to get the eldeſt made *King of the Romans* in his life time.

But if Mr. *J.* think this ſingle paſſage an unanſwerable proof that the Empire was Hereditary, he is a very unreaſonable Man to call *Jovian*'s account of the *Roman* Succeſſion a deceitful medium to prove the Empire Elective; for it is a fair and compleat Induction, ſhewing that none of the ſeveral Emperours, from *Julius* to *Julian*, claimed *by Blood*, but either by the Deſignaation of their Predeceſſours, or Cæſarſhip, or the Election of the Senate, or Army, or both. To this matter of fact, he addeth Teſtimonies of the beſt Authours, expreſly ſhewing the Empire not to be Hereditary, which together make the ſtrongeſt and moſt convincing ſort of evidence in Queſtions of this Nature. And Mr. *J.* groſly abuſeth his kind Readers, when he inſinuates, that the ſame Medium would prove the *Engliſh* Monarchy not Heredi-

Hereditary; for 'tis notorious, that the Interruptions of our Succeſſion have no parity of Reaſon with the Arbitrary Tranſlations of the *Roman* Empire from one Family to another, without regard to Blood and Birth-right. Our Crown hath all along from *Henry* the Second, at leaſt deſcened in the ſame line, and where the next lineal Heir hath been diſturbed, it hath been by mere Violence, or on pretence that the Perſon in poſſeſſion was not the next lineal Heir, which was the Plea of the houſe of *Lancaſter*; or that he was illegitimate, which was the Suggeſtion of *Richard* the Third againſt his Brother's Iſſue, as alſo of thoſe who were againſt the Succeſſion of Queen *Mary* and Queen *Elizabeth*.

Now, theſe Allegations plainly ſuppoſe, what our Laws expreſly declare, That the Succeſſion to the Imperial Crown of this Realm is Hereditary; whereas none that ſet up for the *Roman* Empire, ever objected any thing of this Nature againſt their Competitours, nor was it neceſſary, ſince by the Favour of the Senate, and Legions any Family was capable thereof.

But Mr. *J.* is a generous Adverſary, and though he *needed not to have added further Proof*, after this Teſtimony of *Euſebius*; yet he is reſolved to be liberal, and produce freſh Arguments for his Aſſertion, and thoſe ſo clear and convincing, as to juſtify a Triumphant Q. E. D.

To clear the Point, as to matter of Fact, he aſſerts, [*P.* 1.]

1. That the Emperours of *Conſtantine*'s Line were *only* declared, recognized and proclaimed, *not elected*, by the Senate or Army. And to make out this, he refers to ſome Paſſages in

* *Euſebius*,

* P. 114. Ἀνηγόρευον, γραείζειν, ἀνεκάλουν.

*Eusebius, which I shall particularly examine, though indeed the whole stress of his Proof lies on the single Greek words there mentioned, which, as he would make us believe, signifie no more than to declare, recognize, or proclaim the Emperour.

It is not for lack of *Grecianship*, but of some Accomplishments much more valuable, that Mr. J. presumes to impose upon the credulity of his Admirers at this gross rate. † I need not inform you that one of those Words is ordinarily used, by the best Authours, to signify such a Declaration as confers a Right to the Person, and creates him what he is declared.

† Ἀναγορεύειν, is equivalent to *muncupare, renunciare, salutare, appellare Cæsarem, Imperatorem*, &c. which notoriously signifie to create; nay, and even *declarare* too, as appears by this Passage of *Latinus Pacatus* of *Theodosius*, *Repulsam patitur Principatus, & unus est ambitus Candidati*, ne declararetur.

It oft signifies the Creation or Election of a Prince or other Magistrate, of ‖ *Cæsars*, of Emperours unquestionably elected, of annual Magistrates, as *Consuls*. Nay *Plutarch* useth the word to signifie the choice of *Virginius Rufus* by the Army, who refused the Empire. *Plut. in Galbâ.* p. 1055.

‖ Vide *Plutarch. in Galbâ Herodian. Zosim. Dion. Socrat. Sozom. Zonar. & alios passim.*

* *Plut in Crasso*, p. 552.

But to come to particulars. 1. As for *Constantine*, it is very evident, from *Lactantius*, that he was, upon his † Father's recommendation

† *Qui ei militibus commendato Imperium per manus tradidit.* Lact. de mort. Persecut. c. 24. Which Passage may imply a Resignation to him.

commenda-

commendation, * created Emperour by the *British* Legions. And † *Eusebius* twice over mentions it as a special Providence, *that he came seasonably to his Father, before his death, to succeed* him in the Empire, which otherwise he might have fairly missed. The design of *Eusebius* in ‖ the Passage he cites, was not to shew, that *Constantine* was proclaimed *only*, not elected Emperour by the Army; but to shew how God (who punished the Persecutors of his Church with miserable Ends, and the extirpation of their Posterity) blessed *Constantine* and his Father, who were good Princes and Favorers of Christianity: How God possessed the Army with such an esteem of him, and affection to him, partly for his Father's Merit, and partly for his own, that they made him Emperour *at the first Vote*, without being made *Cæsar*. His words are these, "They declared the Young King, with *their first* "*voice*, Emperour and *Augustus*. If from the word ἀνηγόρευον he will infer, That the Declaration of the Army was a *meer* Recognition, conferring *no Right* to the Empire, but acknowledging an *inherent Right* in him; I know not what will become of *Constantine*'s *Divine Right* to the Empire, for which he contends in his former Book, and cites

* *Constantinum verò non* Imperatorem sicut factus erat, *sed Cæsarem appellari jubet.* c. 25.

† *De Vitâ* Constant. *l.* 1. *c.* 18, *&* 20.

‖ De Vitâ Const. *l.* 1. *c.*22. Τὸν νέον Βασιλέα αὐτοκράτορα καὶ σεβαστὸν Αὔγουστον ἐκ πρώτης ἀνηγόρευον φωνῆς, *i. e.* Non primò Cæsarem, sed Augustum statim renunciarunt. Idem Hist.Eccl.l.8.c.13. Καισαρῶν ἐοθὺς ἀρχόμενος Βασιλεὺς τελευτᾷ, *i. e.* non Cæsar sed Imperator, καὶ σεβαστὸς πρὸς τῶν στρατοπέδων, καὶ ὅτι πολὺ τούτων πρότερον πρὸς αὐτῶ παμβασιλέως θεοῦ ἀναγορευθεὶς. κλ.

cites a testimony from *Eusebius*, "That *Constantine* taking the Government upon him immediately, being by the Army, and long before that by God himself, the King of all [ἀναγορευθεὶς] declared Emperour and *Augusto*, favour'd our Religion. It should seem, that *Constantine* ow'd his Crown to his Father alone, was beholden neither to God nor Man for it; nor needed he to use *Dei Gratia* in his stile, since God did not *elect nor create*, but only *proclaim* [ἀναγορεύων] him Emperour. Nay he was Emperour in his Father's Life time; for immediately upon his Father's Death, the Souldiery declar'd him Emperour, and God had done it *long before*. Such work will the straining of words make, especially in Panegyricks.

2. The Succession of *Constantine*'s Sons was secured by their being made *Cæsars*; which would have entituled any stranger as much as them to the Empire. The King of the *Romans* succeeds without a new Election upon Death or Resignation of the Emperour; and yet though the Son succeed his Father, that Empire is not Hereditary. And the passages in *Eusebius*, to which Mr. *J.* refers, do plainly enough intimate, that the Senate and Legions did *somewhat more* than *only* recognize and proclaim the Sons of *Constantine*. They seem to import somewhat very like an Election. Mr. *J.* durst not produce the passages entire, but pick a word out of each, which might give a little colour to his false assertion. The first runs thus; "The Armies every "where, * as *though by divine Inspiration*, upon the "news

* Vit. Constant. l. 4. c. 68, 69. Ὥσπερ δὲ θεοπνεύστου.

"news of the Emperour's "Death, * *with one accord* "*resolved*, as though the "great King had been still "living, that *they would* † "*acknowledge none for Emperour of the Romans, save only his Sons.* ‖ And *not long* "*after were pleased to call them all* thenceforward, "not *Cæsars*, but *Augusto's*; which name is the "highest title of Sovereign Majesty. And this "they did, signifying each to other every where "by Letters, their * *respective Suffrages and Voices*, "and so the † unanimous "resolution of the Army, "was in a moment made "known to all People every where. There are many things fit to be observed from this passage, which will not well consist with Mr. J's fancy of a bare Declaration or Recognition.

* Μιᾶς γνώμης.

† Μηδένα γνωρίζειν πλὴν ἡμῶν τοὺς αὐτῶν παῖδας.

‖ Οὐκ οἷς μαχεῖν δ' ἠξίουν, μὴ καίσαρας, εὐθὺς δ' ἤδη τοὺς ἁπάντας χρηματίζειν αὐγούστους.

* Τοῖς οἰκείοις ψήφοις τε καὶ φωναῖς.

† Τῶν στρατιωτῶν συμφωνία.

1. *Eusebius* doth not say what Mr. J. would have him, that the Army *did not Elect*, but *only Recognize* them: but he saith, that *with one accord they resolved to acknowledge none but them only.*

2. This Resolution plainly shews, that they had power to have done otherwise; and it was a great wonder they did not set up others, as *Consorts of the Empire* with them: for which reason *Eusebius* ascribes their unanimity to *Divine Inspiration.*

3. Here is express mention of the *concurring Suffrages* of the several parts of the Army, which strongly implies an Election.

4. The Senate agreed with the Army *in the Resolution*, and they also declared *Constantine*'s * Sons, and them only without Consorts, to be Emperours and *Augusto*'s

* Τὺς δ' αὐτοῦ παῖδας, καὶ ὅτι μόνους καὶ οὐ ἄλλους, αὐτοκράτορας, καὶ σεβαστοὺς ἀνεκάλουν.

I hope Mr. *J.* will not say, that *Unanimity* is inconsistent with an Election; or that it is essential to it, that several Candidates should appear, and the matter be decided by a Poll.

5. That *Constantine*'s Sons did not take upon them the Title of *Augusto*, *immediately upon their Father's decease*, but 'twas given them by the Army, and that not presently, but *after some time*.

You see how false his First Assertion, of Fact, is; and his Second, *that during that Family, there was no Interregnum*, is no truer. For from this Place it appears, that they were not Emperours, but only *Cæsars* for a while after their Father's death. And † *Valesius* in his Notes on the 67th Chapter expressly saith, That after the death of *Constantine* there was an *Interregnum* of three Months and an half. During that space, there was no *Augusto*, though the Empire was not ἀβασίλευτος, for the *Cæsars* took care of the Government. And if, upon the death of *Chlorus*, there was no *Interregnum* in his share of the Empire, (for Mr. *J.*'s Testimonies relate only to that) it must be ascribed to the speedy Agreement of the Army, to advance *Constantine* to the Throne, according to his Father's desire, ‖ without expecting an answer from *Galerius* and the

† *Post obitum Constantini* Interregnum fuit. *Nec ullus in orbe Romano Augustus imperavit*— tribus mensibus ac dimidio *Orbis Romanus sine Augusto imperio fuit.*

‖ *Illico*—*universus in te consedit Exercitus, te*

the *Cesars*, to whom *Constantine* had given an Account of his Father's death, and desir'd to know their pleasure as to the Government. This I have upon the Authority of *Eumenius*, on which Mr. *J.* depends much. But if his Assertion, as to Fact, were true; admit there were no *Interregnum*, the same may happen in an Elective Succession. If a King of the *Romans* happen to be chosen, there is no *Interregnum* upon the Death of the *German* Emperour. Though wheresoever an *Interregnum may be*, it is certain the Crown is not Hereditary; yet it follows not on the other side, that the Kingdom, in which an *Interregnum actually happens not*, is for that reason Hereditary.

omnium mentes oculiq; signârunt; & quanquam tu ad seniores Principes de summa Reipub. quid fieri placeret, retulisses, prævenêrunt tamen studio, quod illi mox judicio approbaverunt. Eumen. in Panegyr.

As for his last matter of Fact, it is neither true nor pertinent; nay it's plainly against him, and sheweth the great disparity of the *English* and *Roman* Laws of Succession. If *Chlorus* succeeded, * as the adopted Son of *Maximinian*; you know no such Title is allowed of in *Feudal* Successions, as ours is. For in such the Inheritance descends lineally, according to Proximity † of Blood; and Adoption doth not create Alliance in Blood. And if the Sons of *Constantine* were Testamentary Heirs; it shews a vast disparity in the Case, since our Kings have no power to devize, by Will, their

* *De Adoptivis — qui Jure feudali non succedunt.* Cragii Jus Feud. *L.* 2. p. 231.

† Corv. Jus Feudale, l. 2. Tit. 5. *Quoniam Feuda dantur sanguini. Adoptio jus sanguinis non adfert.*

Realms, or divide them, as a *Roman* Testator might his Patrimony, between two, three, or four Heirs.

But if what he saith were pertinent, yet it's not true. For none succeeded *as Heirs at Law to the Empire*, though some of the *Constantine* Family were *Heirs at Law to their Predecessors.* An Incumbent dying may be succeeded in his Benefice, *by the Person who is his Heir at Law*, but not *as his Heir*, much less *as Heir at Law to the Benefice.* Several Princes of the *Austrian* Family, have been Heirs at Law to their Predecessors; The present Emperour was so to his Father; but he succeeded him not *as Heir*, much less *as Heir at Law*, *or Heir in Tail*, *to the Empire.* So likewise here, neither the Sons of *Constantine*, nor *Julian*, succeeded their Predecessors in the Empire *as Heirs*, but in Right of *Casarship.*

Hitherto for matter of fact, the Demonstration proceeds but untowardly, and notorious falshoods have been imposed upon the Reader; nor shall we meet with more ingenuous dealing, when we come to see how he clears up matter of Right. For he hath recourse wholly to Panegyricks, to support an Hereditary Right of Succession in the *Flavian* House: he useth no other testimonies than some of their Rhetorical flourishes, harping upon loose expressions and words improperly used, confining them to their native and proper significations. At this rate of arguing, I would undertake to prove out of his own Authours, that *Julian* had no title to the Crown, which was *Jovian*'s Right upon the Death of *Constantius Junior. Themistius* saith so; as also, that *Constantius* had no regard to *Julian as his Kinsman*, when he

he made him *Cæsar*, but advanced him to that pitch of Majesty, because he was *a Philosopher*. I could prove against him, that *Varronianus* was not set aside for Nonage, by the Testimony of St. *Ambrose*, which he cites [p. 120] *An Emperour is always at Age*; the Descent of the Imperial Crown takes away all defects. But if in Theological Disputations we are not allow'd to draw Arguments from Parables; I think the loose and lofty strains of Panegyrick are full as unconcluding in Questions of Law and Right.

For this reason I may, upon the Authority of *Socrates*, overlook the testimony of *Eusebius*, as the loose expression of an Orator, who is not obliged to accuracy and the proper sense of words. But without making the least abatement for Rhetorick, Mr. Dean hath * fully shown this passage, *like an Inheritance* imports, that it was not so. But I suppose the strength of his Evidence for *Constantine*'s Hereditary Right, lies in the Authority of *Socrates*; who gives an account of *Constantine*'s Succession in the *very word, which is used to describe the Jewish Succession.* † He saith, he was declar'd King in his Father's stead, εἰς τόπον. What a lucky discovery is this? What a Dunce, or Knave, was *Valesius* to translate, ἀνηγορεύθη βασιλεὺς, was Created Emperour; when the *very word which is used to describe the Jewish Succession*, immediately follow'd, and should have directed him to render the words, *was declared Emperour?* But you see, Sir, what it is to read the Fathers carefully, and with a design in their head. Yet

* *Jovian*, p. 66.

† Ἀντὶ οὖν βασιλέως εἰς τόπον. Creatus est Imperator in locum Patris. *Valesius.*

before we finally condemn *Valesius*; it is but reasonable to know, whether the very word used to describe the *Jewish* Succession, be the *Greek* word in his Margin, εἰς τόπον, or the *English* word, *in his stead*. Now I am apt to believe it is not the *Greek* word, and then *Valesius* is not to be blamed. I am confident, if you read the *Septuagint* Version of both the Books of *Kings* and *Chronicles*, *you will notonce meet εἰς τόπον. And if Mr. *J.* would have us believe, that the *English* words, *in his stead*, import a lineal and Hereditary Succession, I beg his Pardon; because I read that *Shallum* conspired against *Zachariah*, and killed him, and Reigned *in his stead*; and that *Menahem* slew *Shallum*, and Reigned *in his stead*; and others, who had no Hereditary Title to the Crown of *Israel*, nor indeed any at all, but that of Invasion, slew their Predecessors, and Reigned *in their stead*. But 'tis a great felicity for a Man to know his Readers beforehand: he may say any thing, who hath insured their favour. The passage cited from *Eumenius*, comes very much short of the point. I know no body will deny, but that *Constantine* might be his Father's *lawful Successor*, without an *Hereditary* Title. The Right, upon which he as eldest was preferable to his Brothers, was a meer congruity; and if the Empire had been to descend from *Chlorus*, as a *Roman* Patrimony, he would have been but one of the three lawful Heirs, and only one third part would have fain to his share.

* Lxxii. passim usurpant ἀντ' ἀντοῦ, ut 2 Kings xv. 10, 14, 30.

As for *Constantine*'s Wisdom in dividing the *Roman* World amongst his three Sons, I question it

it not; but how doth that prove the Empire Hereditary? If there be any thing in the reason which *Eumenius* gives, why *Constantine* was his Father's undoubted Heir, *viz. Primogeniture*, there was more Prudence than Justice in *Constantine*'s Testament. But since the *Roman* Empire could be devized by Will, 'tis a President from whence no Argument can be drawn touching the Right of Succession in this Kingdom. In the proper and ordinary sense of the term, no Kingdom is understood to be Hereditary, which may be devized by Will of the Prince, and that if he please, from his own Children to Strangers.

The Title of *Julian* to the Empire is out of all dispute: but that it was founded on *blood* and *birthright*, or that he succeeded *Constantius as Heir at Law*, is an impudent sham. For the *ordinary Right*, by which *Amm. Marcell.* saith, he obtain'd the Empire, was *Cæsarship*: which, (as *Jovian* largely proves) was freely conferr'd upon him by *Constantius*, and which he might have deprived him of again, or have conferr'd on another, *as Consort* with him, who would have been his Collegue in the Empire upon the Death of *Constantius*, by the same *ordinary* Right. By Ordinary Right, upon the resignation of *Diocletian*, and *Maximianus Herculeus*, *Constantius*, and *Galerius*, succeeded in the Imperial Throne; and not *Maxentius* the Son of *Herculeus*, whose the Empire was, if *blood and birthright* had been the *ordinary* right by which it went.

I am quite tired with exposing his gross Sophistry, and those Childish fallacies with which he puts us off instead of Demonstrations. I shall only add, that if lofty strains of Panegyrick may

pass; the *Popish* Writers have admirably demonstrated, that *Transubstantiation* was the Doctrine of the Primitive Church; and therefore I hope Mr. *J.* hath by better Arguments proved its *Absolute Impossibility.*

After this Bravade of Demonstration our Authour thinks he may despise all *Jovian's* Arguments as *trifling objections*, and without considering them particularly, bloweth them off forty at one puff, and advances three Positions against them.

The first is this, That there never was an unalterable Succession in the World, and what then? This hath some shew of an Argument for Exclusion, but how he will thence infer against *Jovian*, that the *uncertain and arbitrary* Succession in the Roman Empire was nevertheless *Hereditary*, I cannot discern consequences at distance enough to comprehend: But if it were to the purpose, I conceive his Instance of *Jehoahaz* doth not make out the Peoples right to govern the Jewish Succession in *David's* Line: for * a bare relation of the fact in Scripture proves not the justice thereof, Mr. *J.* is not so mean a Casuist, as not to know that many things not censured, are not to be drawn into Example, though done by good men: And the *Order* of the Genealogy, 1 *Chron.* 3. 15. doth no more infer a Scripture approbation of this Action, than our Saviour's Genealogy, *Matth.* 1. 3. argues the Evangelists approbation of *Judah's* incest with his Daughter-in-Law.

* *Nudè, & historicè narrata: Vid.* Sanderson. de Obligatione Conscien. Prælect. 3. Sect. 6, 7, 8, 9, *&c.*

His second Position, that the Government of the

the Succession in the R. Empire, was in the hands of the Emperour, shews, that Succession to be Arbitrary, and not Hereditary, and is so far from answering *Jovian*'s Objections, that it yields the Point. Wherefore to his second and third Positions, I shall return him an answer almost in his own words, and desire he would inform me in what part of the Globe that Hereditary Kingdom lies, where the present Possessor of the Crown hath the Power of declaring whom he will, Relation or Stranger, his Successor. What sort of Hereditary Succession was that, in which the first of the Family named a single Successor, the second named a third, and the Survivour of them though he had no other choice (if Mr. *J.* mistake not) yet did amiss in naming *Julian*, and ought to have named a Stranger. I conceive that Succession is every whit as much Elective, which depends on the free choice, and nomination of one Person, as that which is determined by the majority of a hundred Votes.

What he addeth to prove the Empire Hereditary in the Families of *Valentinian* and *Theodosius*, serves only to encrease that dislike which I ever had to works of Supererogation. It being all meer Rhetorick, such good wishes and Complements as might have been made a King of *Poland*. And therefore I am much amazed at Mr. J's. confidence in affirming, that *every one knows the present Kings Children, in an Elective Kingdom, are furthest off from succeeding, who ever succeeds they shall not.* He excepts only the German Empire, when every one that knoweth any thing of the State of *Europe*, can tell him of two other famous Monarchies both Elective, in which being of the Royal

Royal Family, is not a prejudice to their Claim, but a Commendation to the Crown. The one is * the Kingdom of *Denmark* which was elective till within these thirty Years; and yet all along from *Waldemar* to *Frederick* IV. they chose one of the same Family, and for the most part the next lineal Heir.

*See *Fowler's* History of *Swethland* and *Poland*. Mart. Cromeri *Polonia*, lib. 2. *A centum & amplius octoginta annis regnavit perpetua Successione Jagellonia magnorum Ducum Lithuaniæ progenies. Non* hæreditario *tamen, sed* Electionis jure. Phil. Honorius de Interregno Polon. de Jagellone——*Cujus propago sive linea postmodum annos ducentos fœliciter regnavit.* Jo. Boterus in descriptione Polon.—— *Quamvis Corona Poloniæ à Decreto Nobilitatis dependet, non tamen legitur ipsos unquam Successores Regios exclusisse, aut præteriisse, nec Regnum in aliam Familiam transtulisse, exceptâ unâ vice—— Filiarum Regum quoq; semper Ratio habita est——* Sigismundo tertio non parum profuit natum fuisse Catharinâ Sigismundi August. & Annæ sorore ut coronam Poloniæ adipisceretur.

The other (*viz.*) the Crown of *Poland*, goes by Election to this day, which yet in the present Century was successively worn by *Sigismund*, and his two Sons, *Ladislaus*, and *Casimir*; and it was a great advantage to *Sigismund*, in his pretences to the Crown, that he was of the *Jagellonian* Race, and Grandson, by the Mother-side, to *Sigismund*, and before that the *Jagellonian* Race Reigned two hundred Years, and yet the Poles had no Jealousy that their Elective Constitution should be changed into Hereditary. Nay, where the Male Issue hath failed, they have either chosen a Daughter, or else made her Husband King; as in the Case of *Hedwig* Daughter of *Ludovicus*, Married to *Jagello*, and *Anne* Daughter of *Sigismund*, first Married to King *Stephen*. Not to add, that if Mr. *J.* have read the Rep. of *Hungary*, he cannot

cannot but have seen, that that Crown, though held * *Electionis jure*, hath ordinarily descended to the King's † Son, or Brother, or other Relation. You see, Sir, How little reason we have to trust either Mr. *J*'s. Honesty or Politicks.

* P. 214.
† P. 117, *&c.*

We have done, at length, with those miserable Fallacies which Mr. *J.* was forced to muster for the support of his desperate Assertion, that *the Empire was Hereditary*, which he himself hath so little confidence in, that he denies the stress of his Argument to lie upon that Assertion, that *the Empire was Hereditary in Julian's time*, Certainly he was of another mind when he wrote his former * Book, *and thought it necessary to the fidelity of his proceedings, to consider how the Roman Succession stood*, &c.

* *Julian*, p. 18, 19.

Well but on second thoughts, *Jovian*'s Concessions will serve his turn as well. "*Julian* was "*Cæsar* expectant of, and next to the Imperial "Throne, and yet such pretensions the Christi-"ans would have set aside for the security of their "Religion, and for fear of it, the Apostate dis-"sembled it for ten years together. Now, Sir, I desire you only to read *Jovian*'s † comparison of a *Cæsar*, and a Prince of *Wales*, and you will quickly see how unlike the Cases of *Julian*, and our Popish Successor were, and how little could be concluded from the former in the latter case. *Jovian* shall readily grant him, that it is a great sin in those who can *legally* and justly prevent a Popish Successor, and do it not. That the Fathers had

† *Jovian*, p. 51, 52.

had been to blame, if they had known *Julian*'s Religion and Temper, and had not been for degrading him from the Cæsar-ship; nay, he undertakes that the Fathers of our Church (whom Mr. J. so much vilifies, in comparison with the Bishops 13° *Eliz.*) ‖ would set aside a thousand such Titles as *Julian*'s to secure the Reformed Religion, So that Mr. J's After-game will not save his stake.

‖ P. 53.

I am now come to his Discourse about the *Bill of Exclusion*, to which I shall say the less, because I always esteemed it an Argument quite above me, and looked upon it as no small Felicity that my station in the World freed me from those perplexities I should have been in, had I been a Member of that honourable Body in which that weighty Case was so often debated, and on whose votes the Decision of it so much depended. So far as I understand that Controversie, you know my Sentiments already; which, as they do not in all things exactly concur with those of *Jovian*, so do they much less accord with his Adversary's.

You very well observe many passages in this * Answer to *Jovian*, which are meer Jests and not Replies, and particularly his Cavil against Mr. D's distinction, whereby he vindicates those who addressed against the Bill of Exclusion, *That it was not a Popish Successour, as Popish, but the Succession which they promised to maintain.* A Zeal for the Lineal Succession where the next Heir is a Papist, and a Zeal for the next Heir as Popish are things very different, and are not meerly in notion distinct, but in reality; insomuch that those very Persons who stickled most against the Exclusion of a Popish Successour,

* P. 126.

ceſſour, deſerted him (as † *Jovian* undertook they would) in his Endeavours to overthrow the Proteſtant Religion. Who were fitteſt Tools for that Service, *the whole* Nation knows, and if Mr. *J*'s Jeſt is too precious to be loſt, he is too well acquainted with another ſort of Addreſſers, to whom the Diſtinction, not as Proteſtants but as Addreſſers, may be more properly and truly applied. I am ſure they very much need the help of ſome good Friend to bring them off with honour, and if either this, or any other diſtinction Mr. *J*. can deviſe will ſolve the Paradox, and reconcile their fiery Zeal againſt Popery with their Addreſſes of Thanks for a Declaration deſign'd to introduce it, and their Promiſes to chuſe ſuch a Parliament as would deſtroy our beſt Securities againſt Popery, I ſhall acknowledge him the greateſt Man I ever met with.

† Pref. p. 24.

In his Vindication of the Paper of Reaſons, whereof he will have the Biſhops to be the Authours, there are many things very ſtrange and diverting. *First*, he will be wiſer than his Authour, Sir *Simon Dewes*, and make the Biſhops Authours of a Paper, which (as *Jovian* obſerves) Sir *Simon* ſuppoſeth to have been drawn up in the Houſe of Commons. 2. He accuſeth the juſtly admired days of Queen *Elizabeth* of moſt horrid Duncery, when he profeſſeth to believe, That few beſides the Biſhops in thoſe days were able to pen ſuch a Piece; I preſume he will allow Serjeant *Manwood* or Mr. *Mounſon* were ſome of thoſe few, and if ſo, the Reaſons might be framed in the H. of Commons. *Thirdly*, He will not allow the paper to be called Anonymous, although

though not signed by one hand. I have heard that in a Parliament a paper hath been rejected as such, though entituled the Humble Petition of the Gentlemen and Freeholders of the County of *Middlesex*, because not subscribed by them. But what tho' the Bishops be mentioned in the Body of the paper? what though it talks of *Godly Bishops*? may it not nevertheless be composed by a Scotizing Presbyterian? Hath Mr. *J.* forgot the good Protestant Religion of our Good Church in *Coleman*'s Declaration? or * will he say that neither *Coleman* nor any Papist could be the Authour, they would have *talked of black Swans as soon* as of the Good Protestant Religion: Sure the matter and scope of any Writing discovers the Authour's principles, much more certainly than a single phrase, perhaps design'd for amusement. *Fourthly*, He hath found out a new priviledge of Parliament, *(viz.)* That the Bishops, and I presume any Member of either H. for the same reason, may urge false and unconcluding Arguments, because there is *full Authority to enact their Conclusions.*

*Answ. to *Jov.* p. 199.

† *Jovian* hath shewn in this Paper gross Mistakes in Divinity and Church-History, and the inconsequence of several Arguments. Yet saith Mr. *J.* "There is nothing in those Reasons but what was "fit for Bishops to urge in *Parliament*, to *urge*, "*I say, in Parliament, where there was full Authority to have enacted their Conclusions.* No matter whether the premises will inferr the Point in debate. The Authority of King, Lords, and Commons is sufficient to purge all defects, and maketh the Conclusion valid in Law, which was not so in Logick. *Fifthly*,

† Preface, p. 33, 34.

Fifthly, It is very pleasant to see a Man who * saith his Adversary hath *raised Objections thick and threefold* against this Paper, challenge him to write against, and threaten to answer him if he doth, and yet not offer one word of Answer to what he hath already said against it, I have the Charity to believe whatever Mr. *J.* in an heat may say, that he will not stand by those Principles which are the Foundation of a great part of that Paper, which he calls the Bishops Arguments. * p. 128.

I cannot believe he thinks the Political Laws which God, by *Moses*, delivered to the Children of *Israel*, are still in force, and ought to be received in all Christian Governments: That all Crimes punishable with Death by those Laws, ought to be Capital in all Christian Realms; and on the contrary, That it is not lawful to punish with Death any Crime which was not made a Capital Offence by the Law of *Moses*.

This Principle runs through that Paper or a worse *(viz.)* That all the Scripture Examples of good Men are at least imitable, if they have not the Force of a Precept. If Mr. *J.* will undertake the defence of these Principles, I am sure he will be justly chargeable of *making wast Paper of most Acts of Parliament*.

Though Mr. Dean may *in part* be mistaken in the Instance he makes to prove it, yet he is not mistaken in saying, That though there was one good Argument why the Queen's good Subjects might urge her Majesty to put the Queen of *Scots* to death, *viz.* That *She sought the Queen's Life*; yet the question remains whether she could be excluded from the Crown. There is no Consequence

from

from the Justice of punishing Treason according to the known Laws of the Realm with Death, to the Excluding the next Heir from the Crown meerly for being a Papist. And therefore *Mr. Dean* adds, that those who addressed for preserving the Succession, and were against Excluding the D. of *Y.* would * upon *sufficient Proof that he sought the Life of his Brother, have been willing to Exclude him out of the World.* This fully answers Mr. *J.* and therefore, with his usual discretion, he takes no notice of it; but falls upon the Instance of the Hebrew First-born, who, *Mr. Dean* saith, might not be dis-inherited for cursing or smiting their Father, though they might be put to death. The Instance indeed holds not where the First-born had other Brothers, but in case of the onely Son, it is true; for † Mr. *Selden* in the Chapter to which Mr. *J.* refers, limits the power of the Father in making his Heirs, to one of his Sons, if he have several Sons. He may dis-inherit the Eldest Son, if he have a Second or Third to make his Heir; but he may not dis-inherit an onely Son, or all his Sons, and make ‖ a Brother his Heir; because a Brother was not, by Law, a Co-heir with a Man's Sons or Daughters. So that the Instance is not wholly mistaken. I am confident, did *Mr. Dean* think fit to vindicate *Jovian* (which you see it were very easie for him to do), he would readily acknowledge this or a greater Mistake, he hath not Mr *J*'s Forehead,

* Preface, p. 38.

† De Success. in bon. c. 24. *Fos esse hæredes pro libitu instituere ex iis, qui ex lege cohæredes forent.*

‖ *Vid* cap. 1. *& Misna ibi citat. Vid. etiam* Maimonid. *More* Nev. p 3. c. 24.

Forehead, he hath more Humility and Modesty than to boast, that *he will not abate one syllable in his whole Book*, as Mr. *J.* doth. Answ. to *Jov.* p.

To his flout, as to Mr. *Dean*'s Skill in Jewish Learning, I shall only say, That when Mr. *J.* shews as much of that Learning, and to so good a purpose, as Dr. *Hicks* hath done in his *Peculium Dei*, I will forgive him all the Blunders and Prevarications of *Julian*, and this Defence of it.

Page 135. Mr. *J.* chargeth his Adversary with three things, of which I shall easily clear him.

(1.) That *Jovian* talks of Statutes against King *James*'s Succession, and whereas he saith, *If our Authour can shew me but one of those many Statutes, whereby King* James *stood Excluded, I will yield him the Cause. I doubt he will hardly stand to his word.* What are the 35 *H.* 8. which impowers the King to devise the Crown by Will, and the Act of Recognition, 1 *Eliz.* which confirms the 35 *H.* 8. but Statutes against the Succession of K. *James?* For K. *Henry* made a Will, in which next his own Daughter, he limits the Crown to the Daughters of his second Sister, the French Queen, by *Charles Brandon* Duke of *Suffolk*, passing by the Scotch Line. I know very well what was said against that Will of K. *H.* 8. by Mr. *Maitland* in favour of the Queen of *Scotland*, in a Letter to the Lord *Cecil*, publish'd in the Collection of Papers, in the end of the first Volume of Dr. *Burnet*'s History of the Reformation: but what he saith to invalidate the Will was never proved, and this Paper lying unknown, could not (if true) influence that Parliament

See *H.* 8. Will in *Full.* C. Hist. Cent. 16.

liament which recognized K. *James* his Lineal Descent from *Elizabeth* Daughter of K. *Edward* the Fourth.

(2.) He quarrels with his Adversary for talking of the Exclusion of the *House of Suffolk*, which he saith, *never had any pretensions* to the Crown. Sure Mr. *J.* was in a very cavilling humour. The Daughters of *Charles Brandon* Duke of *Suffolk*, by the French Queen, and their Issue, are those whom *Jovian* intends by the House of *Suffolk*, and why they may not as properly be call'd the House of *Suffolk*, as the present Line the House of *Scotland*, I know not. For denying the pretensions of that Line to the Crown, I leave him to answer to the Duke of *Somerset*, and the Earl of *Derby*, and some other Noble Lords descended thence.

(3.) He represents *Jovian* as *very absurd*, for quoting the Act of Recognition, 1 *Jacobi*, when he is for invalidating all Acts of Parliament that limit and determine the Succession. But the absurdity is his own. He seem'd well enough to understand the difference of *Declaring or Recognizing* from *Creating* and *Electing* about 20 pages before; 'tis much he should so soon forget it. An Act of Recognition confers no Title, but supposes it, An Act which limits the Descent of the Crown *creates a Title* when it was not.

It is worth observing how strange an Answer he gives to two Authorities, cited by *Jovian*, importing a Bill of Exclusion, which changeth our Succession from *Hereditary* to *Elective*. Saith he, *An Act of Disinheriting from the Crown, doth own, and proclaim, and prove, the Kingdom to be Hereditary.* Right. But it makes it quite otherwise. So the Act for taking

P. 137.

taking away the King's Office, doth own this Realm to be a Monarchy, but made it a Commonwealth. The Ordinance for abolishing Episcopacy, doth own and prove the Government of these Churches to be *Episcopal*, and at the same time destroyed it. I suppose that implicit acknowledgment did not cure the manifest Injustice of those Acts.

His Reflection on *Jovian's* way of arguing is Childish, if there be four Terms in the Syllogism, or Enthymeme, *P. 139.* they are of his own making, and he is to answer for the honesty of it himself.

No less ridiculous is his pretence, that his Adversary professeth to have *sworn Allegiance to Subjects*. It is possible an Oath of Allegiance may be broken by injuries done to a Subject, and yet no Allegiance be sworn to that Subject; for instance, by ravishing, or killing the Queen, or the Prince, and yet both the Queen and Prince are no more than Subjects. Whether an attempt to debar the next Lineal Heir from Succeeding, be not an Invasion of the Rights and Prerogative of the present King, especially when he is averse to it, and an offence against his Crown and Dignity, may possibly be a doubt with Persons of more Learning and Conscience than Mr. *J.* hath shewn, either in *Julian*, or his Defence of it. Whether it be or not I will not determine.

The Rant wherewith he closeth his *Answer* to *Jovian's* Preface, is to the tune of *Lewis du Moulin*. Yet I presume no body takes Mr. *Dean* to have renounced the Doctrine of our Glorious Reformers, or thinks him one step nearer *Rome* on that Account. Some such Zealots against Popery,

as Mr. *J.* about 60. years since fell foul on Bishop *Hall*, who in his *old Religion*, acknowledgeth the Roman to be a *true*, though a *corrupt Church*, and occasioned him to publish an Apologetical Epistle call'd *the Reconciler*, in which he saith, that to acknowledge the Church of *Rome* to be a *True Church*, was common with the best Reformed Divines, and had been done by himself with the Approbation, and Applause of the whole Representative Body of the Clergy of this Kingdom. He explains himself as *Jovian* doth, asserting, that in different senses the Church of *Rome* is both a True, and a False Church, True in Existence, False in Belief, that is, hath a *Natural* not a *Moral* Trueness. As a Thief, or a Cheat, is *truly a Man*, though not a *True Man*, or as the Devil is a *true* Spirit, or Angel, though (not as Mr. *J.* fallaciously expresseth himself, a true Angel of Light) a false, lying Spirit. He addeth, that Antichristianism, though it justly makes the Church of *Rome* odious, and execrable to God, Angels and Men, yet it cannot *utterly dischurch it*. He saith in this Doctrine he followeth *Zanchy*, *Luther*, *Calvin*, *Junius*, *Plessis*, *Hooker*, *Andrews*, *Field*, *Crakanthorp*, *Bedel* and others, who deny not the *Natural Verity* of the Church of *Rome*, though they deny it to be *veram & puram*. They own it to be a True Church, such as the Ten Tribes were, notwithstanding the Idolatrous Worship set up by *Jeroboam*, which is little to the advantage of the Roman Church, being only in effect to say, They are neither Jews, Turks, nor Pagans, though misbelieving, Heretical, and Idolatrous Christians, and this Epistle

Bishop *Hall*'s Works. Vol. 2.

and

and Doctrine is approved by Bishop *Morton*, *Davenant* and *Prideaux*, as also by Mr. *Primrose*, Minister of the French Church.

Thus I have attended Mr. *J.* through his first Stage, and here I think it best, for me, to rest a while with him. My motion hath been somewhat slower than I intended, and I confess in point of time, I have broken my word with you. But you will pardon me when you consider, that his numberless Frauds, which I had to detect, required more time than I allowed my self; for Fallacies are not laid open, and confuted in as few words as they are committed. And withal I have been the more particular in exposing this first part of his Answer, because here it is that I am most capable of serving you, by shewing how wretchedly he prevaricates in abusing many good Authours, which you have not at hand to consult. I hope to make a shorter business of what is behind, a great part of it being already examin'd in my former Letter.

I remain, Dear Sir,

March 14.
1689.

Your most humble Servant.

The Third
LETTER.

Dear Sir,

I Am now come to what Mr. *J.* is pleas'd to call an Anſwer to *Jovian*, and concur with your Obſervation, that Brevity is the only good thing in it, craving leave to add, that it would have been abundantly more commendable upon that account, had he forborn Cavils, and ſpiteful miſrepreſentations of his Adverſary, without which his Anſwer would not have exceeded the fifth part of its preſent bulk, as ſmall as it is.

His Argument, *à fortiori*, if deſign'd to prove, that the Chriſtians of the fourth Century, would in our Circumſtances have been for Excluſion of a Popiſh Succeſſor, is *wretched Fallacy*, becauſe of the vaſt diſparity of *their Caſe*, and *Ours*. For Mr. *J.* hath not been able to maintain his Paradox, that *the Empire was Hereditary*, againſt *Jovian's Arguments*. And if it be deſign'd to prove, that had the Chriſtians known *Julian* to be a Pagan, they would have done all in their Power to have kept him from the Crown, it is no leſs *wretched Impertinence*, in regard his Adverſary undertakes, that the Fathers of our Church would readily ſet aſide twenty ſuch Titles as *Julian*'s, to

secure their Religion. His pretence that *Julian*'s illegal Oppression of the Christians, was the cause of that rough treatment they gave him, together with his Insinuation that nothing but their *Weakness* kept them from taking up Arms against that *Apostate* to do themselves *Right*, Mr. Dean hath confuted by more arguments than Mr. *Johnson* * thinks fit to take notice of. And that one at which he nibbles, is quite too hard for his Teeth. *Jovian*, saith *Julian*, did persecute Legally, *because all the Emperors Orders, and Decrees, how unjust soever, were Legal.* † He was an Absolute *Sovereign, who govern'd* by purely Regal *Power*, and *whose Pleasure* [howsoever signifi'd, whether by Letter, or word of Mouth] *was a Law.* ‖ This is made out abundantly out of the best Authors both Historians, and Lawyers, and 'tis a miserable shift to despise all these Citations as *shreds of Civil Law*, not worthy the least consideration.

* P. 158.

† *Jov.* P. 86.

‖ *P.*86,87,88,90,91.

If these Citations are misapplied, why doth he not shew it, at least in one or two Instances? Verily, his Readers are too kind if they take his word for it; and if any be so rude as to demand better satisfaction, Mr. *Johnson* is resolv'd to be even with them for their Curiosity. They must go many a weary step on his Errand, who will trot all the Town over from Shop to Shop, till they meet with *Gothofred*'s *Ulpian*. But I confess it was done like one who is his Craft's-Master to refer them to a Book, which scarce one in a thousand is ever likely to see.

But this one Argument is by no means the Substance

ſtance of what Mr. Dean offers againſt this new Hypotheſis. That illegal Oppreſſion, and *Tyranny*, *was the cauſe of the Chriſtians rough behaviour towards* Julian. For he ſheweth that other Emperors, ſome of them Chriſtians too, were treated as courſely as *Julian*, particularly *Conſtantius* by *Hilary*, *Athanaſius*, and *Lucifer*, from whom Mr. *Johnſon* cites ſeveral ſuch paſſages in his Anſwer to *Conſtantius* the *Apoſtate*, as are far ruder than any thing in the Third Chapter of his *Julian*. So that the *Phænomenon* he would ſolve by this Hypotheſis, is not *Real Fact*, but a mere Fiction. The Chriſtians were not more rough in their behaviour towards *Julian*, than elder Chriſtians had been towards ſeveral of his Predeceſſors, not only Pagan, but alſo Chriſtian Princes.

Again, He ſhews that *Julian* had the malice of a Devil againſt our Saviour, and his Religion in which he perſiſted againſt the plain Evidence of Miracles, and in ſpite of many remarkable Judgments of God upon his Uncle, and other blaſphemers of Chriſt and perſecutors of his Church. So that the Chriſtians might reaſonably conclude him *Irrecoverable*, and *paſt Repentance*, and treat him the more ſeverely on that account, nay believing him ſo, they might poſſibly pray for his deſtruction, as the only probable means of the Churches deliverance; and yet it followeth not that they would have lifted up their hand againſt him, or been the Inſtruments of that deſtruction they prayed for.

See *Jov* p. 141. and to the end of the vi. Ch.

Again he proves, if *Julian* were guilty of *Illegal Oppreſſion*, and *Tyranny*, ſo were other Perſecuting

See *Jov*. Ch. ix.

Emperors

Emperours before him, particularly *Galerius*; so that there was nothing singular in the case of *Julian*'s Christians, nor can he infer from their Example, that *Illegal Oppression* will warrant Subjects to take Arms against their Lawful Prince to do themselves Right.

In the next Page we find Mr. J. in a very peevish humour, quarrelling with *Jovian* for what he himself said in effect over and over. 'Tis only the Phrase moves his Choler, *viz.* the main *ground of their displeasure was, that he did not formally persecute them, nor put them to Death enough.* Mr. Dean explains himself sufficiently, the Christians desired rather to be persecuted in the old *Decian*, and *Diocletian* way, *i. e.* to have *Their Religion* made their *Crime*, and *Death* their *Punishment*. This the Authours referred to in the Margin plainly evince, and the instances of *Juventinus*, and *Maximus*, and *Romanus*, and *his fellow Souldiers shew*, that some under *Julian*, were as ambitious of the Crown of Martyrdom, as the Elder Christians, who sought it by voluntary Confession, and provoked their Pagan Rulers to persecute them with the utmost Cruelty. Mr. J. it seems, thinks them too free of their *Passive Throats*, and if they were so fond of Martyrdom, they might even as well have hang'd, and drown'd themselves, and saved their Persecutors the trouble. I know not what he can mean else by reviving the Sarcasm of a Pagan, Bloody Persecutor, *Arrius Antoninus*, who thus reproached voluntary Confession with the desire of Martyrdom. Were there no Halters, or Precipices in the Roman Empire?

Apud Tertull. ad Scap. c. 4. κρημνὸς ἢ βρόχος ἔχεσε.

P. 161.

P. 161. Mr. J. buckles closer to his work, and pretends accurately to state the Case of Passive Obedience, and saith, he and *Jovian* are perfectly agreed, 1. *That the King's Person is sacred, and Inviolable.* 2. That *Inferiour Magistracy acting by the King's Authority, according to Law, may not be resisted.*

I am glad to see that the peevish humour hath somewhat spent it self, and that he can agree with his Adversary in any thing. I presume when he saith, that the King's Person is *Sacred and Inviolable*, he means by those fine words, he *may not be resisted:* and if so, it may deserve considering, how well he agrees with himself. For in his former Book he quoted a shrewd saying of a *worthy Person*, "That *one* "*single Arm unresisted may* "*go a great way in massacring a Nation.* Every one knows whose single Arm is meant, and no Man who praises that saying can agree, that the *King's Person may not be resisted.* *Jul.* p. 88.

How fairly he states the difference between himself and *Jovian*, I have in some measure shewn already: Impartial Readers, though but of an ordinary Capacity, who will be at the pains to compare the Book with this Answer, may observe, without my help, that a great part thereof is employed in confuting his own *slanderous Fictions.* For where doth *Jovian* assert any of the things imposed upon him, as that by the Imperial Laws, a Popish Prince may send Forces to murther his Liege People? That a Soveraign can Authorize his Forces to do any Act of Illegal Violence? In the First Letter. *Answ.* p. 162, 163, 164, 166. p. 169, 181, *&c.*

Where

Where doth he give the King Boundless *Power*? Or the whole Legislative *Power*? I am sure Mr. *J.* can shew no such Assertions in the Book he pretends to Answer. And therefore how unconscionably doth he abuse both his Adversary and his Reader for almost forty pages together? And how impertinently doth he swagger with Citations out of *Bracton*, the *Mirror*, *Fortescue*, Judge *Jenkins*, and King *Charles* the First, of Blessed Memory, to disprove what *Jovian* no where affirms?

It would indeed have signified something, could he have produced but one clear *Passage* out of all those Authours in which any of them declares it lawful for Subjects to raise but a single Regiment, or Troop, to resist Forces legally Commissioned even in illegal, and uncommissionated Acts of Violence. And till he can at least shew this in our Law-Books, he hath no right to call Mr. Dean a *Protest* of Passive Obedience, or reproach him as not consistent with himself. It is no Contradiction to allow Subjects the Liberty of *Private Resistance*, when *illegal Violence* is offerred to them, and yet to deny them Power to raise Forces, and to wage a *Defensive War* against those, who, as Mr. *J.* maliciously supposeth, will murther in Troops. I hope he will not be so hardy as to say, that a single Captain can be made, or that one private Souldier can be listed according to our Laws, without Their Majesties Commission, or that in their Realms and Dominions, any besides Their Majesties is vested with Legal Authority to grant Commissions to levy Forces. Tho' the Laws secure mens Lives and Properties, against Arbitrary Power, yet they do it not by giving Subjects the Power of the Sword.

By

By this you may see, Sir, how mean Judges your Neighbours are, who discern not how gross a Fallacy Mr. *J.* puts upon them, when he insinuates, that his Adversary is so senseless as to allow. " That 'tis lawful to resist a single *Cut-*
" *throat*, and yet makes it a damnable sin to re-
" sist *Cut-throats*, as also to Answ. *p.* 163. 169.
" hold " that the Sovereign
" can Authorize Forces, and great Numbers, tho'
" he cannot *single Persons*, to do Acts of illegal
" Violence.

Sir, you know the Author of *Jovian*, is as far as Mr. *Johnson* himself from believing that *Numbers are Sacred*, or can *Legitimate* Oppression; or that the Sovereign can give a *Valid* Commission to his *Forces* to outrage, or Murther his Liege People, and render them *unaccountable* for such Acts of Violence. He no where denieth Subjects the Liberty of making a *Legal Defence* against any number of Thieves, and Cut-Throats *how great soever*, and by whomsoever Commissioned. Nor doth he in the least insinuate that the *damnableness of resisting* lies in that *they are Forces*. But he makes it to consist in raising Forces *without lawful Authority* to resist with, and in defending themselves *in such a manner* as casts off Subjection, and is a manifest, and dangerous Usurpation upon the *Legal* Rights of an English Sovereign. He makes that Law the measure of the *Subjects Power* as well as of the Kings, and this it seems is his great Crime.

If Subjects be allowed to defend themselves at discretion, the King must hold his Crown but *during pleasure*. Some of Mr. *Johnson*'s Friends, will complain, that their Throats are in danger,

and

and will never think them safe till they have the King's Throat in their Power. They have made so good advantage formerly of what he calls *Legal Defence against the Unauthoriz'd Illegal Violence of Subjects*, that I do not wonder that they would fain be at the same Trade again. But I cannot forget that they held the King's Person as Sacred as Mr. *Johnson* doth, and were as clamorous Zealots for Religion, and Property, who notwithstanding brought their Majesties Royal Grand-Father to the Block, subverted the Ancient, and Excellent Constitution of this Noble Realm both in Church and State, and enslaved the whole Nation.

Neither you nor I can have while to entertain ourselves with so diverting a Spectacle as Mr. *Johnson*'s Triumphs over an Adversary of Straw of his own making, and therefore leaving him for some time at that Sport by himself, bateing a few strictures here and there, I shall say little till I meet him *p.* 201.

Among several things worthy of Censure, the first I shall note, is the rude treatment of a very Eminent Protestant Writer, where having impertinently cited two passages out of *Bracton*, and K. *Edwards*, Laws, for they contradict nothing in *Jovian*, he concludes in these words. "*These I hope are better* "*Authorities in this matter, than* Sam. Bochart, "*our Author's* French *Oracles*, &c. Certainly, Mr. *J.* is the first man who ever mention'd that great Name without some Addition of Respect, not to say with scorn and contempt. And that Epistle, which he so much vilifies, hath ever been in great Esteem with all sorts of men. It is in

p. 165.

effect

effect an Apologetick Declaration of the whole Proteſtant *French*-Church, profeſſing their juſt abhorrence of the great Rebellion, which ended in the moſt execrable Murther of the King. In a word, the Memory of Mr. *Bochart* will ever be precious whilſt the world pretends to retain any degree of Honour for eminent Piety and Learning.

In the next page he charg-
eth Mr. Dean with *attributing* P. 166.
to the Sovereign the whole Legiſlative Power, and by his anſwer, it is plain he accuſeth him of giving the Kings of *England* that vaſt Power. I marvel how Mr. *J.* hath diſpoſed of his Conſcience, if he ever had any, or with what face he can obtrude ſo groſs a ſlander.

It is very evident that no ſuch thing can be intended in the place he refers to. For, 1. Mr. Dean is ſpeaking of *All* proper, and compleat Sovereigns, as well States, as Monarchs, and not in particular of our Kings.

2. He doth not aſcribe to ſuch Sovereigns the *Whole* Legiſlative Power. The word *Whole* is added by Mr. *J.* who could not otherwiſe have found any thing to cavil at.

3. In thoſe words which reſpect an *Engliſh* Sovereign, he aſcribes no more to him, than the influence of a principal Efficient, *viz.* to give our Laws their laſt form, to give *life and ſoul* to Bills *prepared by others*. And who dares deny that the Royal Aſſent gives thoſe Bills which paſs both Houſes, the *Name*, *Eſſence*, and *Authority* of Laws, and that they are, as *Jovian*
ſpeaks, but a *dead Letter* with- P. 202.
out it. How honeſtly Mr. *J.* calls this giving the Sovereign the whole Legiſlative Power, I need not obſerve for you. *P.* 171.

P. 171. Mr. *J.* will needs have *Jovian* to have founded his distinction of *Imperial*, and *Political Laws*, upon a perverted passage of *Fortescue*, who distinguisheth Dominion into Imperial, and Political, and mixt of both. But if he would have pleas'd to consider the Book, he pretends to Answer, he might easily have observ'd it, that his Adversary fram'd that distinction upon quite another ground, and useth the Terms in a sense, far different. For as our most eminent Lawyers, and the Laws themselves call this Realm an Empire, and the Crown an Imperial Crown, and the King an *Imperial* Sovereign, that is as Sir *Orlando Bridgman*, and Mr. Dean, both expound the Term, a *Free Independent*, *and Unconditional* Sovereign: so the Laws which secure the Rights of the Sovereign are aptly by him call'd *Imperial Laws*. And Arch-Bishop *Cranmer* cited in *Jovian*, useth the Term, tho' not precisely in this sense, to signify those Laws of the Realm which secure the Royal Prerogative against the Usurpations of the Pope.

See them cited by *Jov.* p. 208, & 209.

But neither Mr. Dean, nor Sir *O. Bridgman* ever intended hereby to give the King *Imperial Power*, (*i. e.*) Absolute, and Arbitrary Power, but both declare the contrary. I will cite the words of the latter. " It is one thing to have an Imperial " Crown, and another to govern absolutely. " What is an *Imperial Crown?* " It is that which as to the " coercive part is subject to " no man under God. The King of *Poland* hath " a Crown, but what is it? At his Coronation *it* " *it conditioned* with the People, That if he shall " not

Trial Regis in 4to. p. 11, 12.

"not govern them according to such Rules, they "shall be freed from their Homage and Allegi-"ance; But the Crown of *England* is, and al-"ways was, an *Imperial Crown*, and so sworn ---- "not subject to any Humane Tribunal, or Judi-"cature whatsoever. God forbid I should intend "any Absolute Government by this, *&c.*

In like manner Mr. Dean making all such *Princes* as the King of *Poland*, not to be *Proper, Compleat, and Imperial Soveraigns*, tells you what he means by an *Imperial Soveraign*, viz. "One who is su-"pream in his Dominions, next under God, who "hath full, perfect, and entire Jurisdiction from "God alone, and all others in his Dominions, "by Emanation from him. But though he asserts the Kings of this Realm to be true, proper, and Imperial Soveraigns, yet he is as far as Mr. *J.* from asserting an Arbitrary, and boundless *Power* in them. For he at the same time declareth, that to be *Arbitrary is no way of the Essence of an Imperial Soveraign*, and though after Sir *Edw. Cook* he cites the Titles of *Edgar*, and *Edward*, it is not to prove, that the Saxon Kings were Arbitrary, and Absolute; but to shew, that they were Compleat, Unconditional, and Independent Soveraigns, the Natural Consequence of which is, that they are unaccountable, free from Coercion, or force, and not to be resisted.

Jov. p. 209.

Therefore Mr. *J.* needed not to have taken all that pains he hath done, *p.* 183. to prove it Nonsence to say, that *Boundless Power* may be limited in the Exercise. His Adversary saith nothing like it. But only asserts, that a King under the Direction of Laws, may nevertheless be a proper,

Compleat, and Imperial Soveraign. And his Illustration of the matter, by the similitude of a Fountain, is clear and apposite, and what no body but Mr. J. will deride. The Essence of Soveraign Power is not destroyed or changed by this limitation it receives from Concessions, and Civil Contracts, though the extent of it may be somewhat lessened. It is still Supream, Unconditional, and Independent, and the Prince who enjoys it, though he be bound in Conscience to govern according to such Laws, and Compacts, yet may not be call'd to an account, or punish'd by any (save God his only Superiour) for violating those Laws, and transgressing the Legal Bounds of his Power.

His Answer to Mr. Dean's other Illustration of the Point, *viz. That being confin'd in the Exercise, doth not destroy the Perfection of Soveraign Power, because then the* Power *of God himself could not be Soveraign*, &c. is not at all satisfactory. I confess what he saith would be pertinent, and considerable, if God were confin'd only from such things as are evil in themselves, and therefore inconsistent with the Perfection of the Divine Nature. But we all know, that the free Counsels of his own Will, have set such bounds to the Exercise of his Almighty Power, as render many things neither impossible in themselves, nor yet repugnant, either to the Wisdom, Holiness, or Goodness of God, impossible for him to do. For Example, No Man will presume to deny, That God, if he had so pleas'd, might have left fain Man to have perished without a Saviour, and that without the least impeachment of his Wisdom, Justice, or Goodness. And yet God having

ving determined, and declared, that he will save all that believe in Jesus Christ, it is impossible for him to suffer all Mankind to perish. If Mr. J. please to consult the old Schoolman, whom *Fortescue* cites as the Authour *de Regimine Principum*, He will find a Distinction of God's Power into *Absolute* Power, by which God can do every thing which implies no contradiction in it self, or imperfection in him, and *Ordinate* Power by which he can do nothing but what is agreeable to the Counsels of his own will. This distinction plainly shews, that being limited in things implying neither Contradiction in themselves, nor defect in God, is no impeachment of the Truth, or perfection of God's Soveraignty, and therefore being limited by Rules of Government; doth not destroy the Essence of Humane Soveraign Authority. Princes cease not to be Supream in their Dominions, by reason of their Concessions, and submitting their Government to the Regulation of Political Laws even as God ceaseth not to be the Supream Governour of the World, by reason of his Gracious Purposes, and Promises reveal'd in Holy Scripture, though it be impossible for him to act any way contrary to those Declarations.

Aquin. Sum. Theol. p. 1 q 25 art. 5. ad. 1. *Secundum* potentiam absolutam, *&* *de potentiâ* ordinata. *Vid.* Estium. in l 1. sent. dist. 43. §. 2.

The twelfth Chapter of *Jovian*, wherein the Authour shews, what security Subjects have of their Lives, Properties, and Religion, under a Popish Prince, notwithstanding the Doctrine of Non-Resistance, is a rational, grave and pious Discourse, and deserves to be consider'd after

another fashion than Mr. J. hath done. He was pleas'd to droll it off *, but whosoever shall with sobriety, and a mind void of prejudice, weigh what hath been said on both sides, will find a better sort of reasoning, a better Spirit, and a deeper sense of Religion in *Jovian*'s Discourse than appears in this Answer.

* *Answ.* p. 197, 198.

It is certain, that an *Absolute Security* against Rebellion on the one hand, or against Arbitrary Government, and Oppression on the other, neither Prince nor People must expect. For this cannot be had, till either the People be so effectually inslav'd, as to render them as little able to serve, and assist their Prince, as they are to disturb and dethrone him; or till the Prince hath so little Power left him, that he will be equally unable, either to protect, or oppress his Subjects. And in such a state, both King and *People* will be in a most desperate condition. So that whether the one or other compass their ends for the present, and obtain that absolute security which they affected, they will enjoy it but a little while; for both will inevitably hereby become the Subjects of Foreign Tyranny and Oppression.

A Moral security therefore must serve the turn, and both Prince and People must acquiesce therein, and trust each other with such a measure of Power, as if abused, may be of very ill consequence. But vain and unreasonable Fears on either part, must not be regarded, or provided against. If what he saith be not satisfactory to some of Mr. *J*'s Friends, we are the less to wonder, seeing some of them profess to think, that God

God hath not given so satisfactory an assurance of his own Being, and Providence, and of the Truth and Authority of the Holy Scriptures, of the last Judgment, and a future State of Rewards and Punishments, as they expect.

All Men confess, that the measures of the Jesuits, who during the last Reign, had too great an Influence on Publick Affairs, are utterly unaccountable. And the Credit that Order had with King *James*, carried him to Undertakings as contrary to his own Interest, as to those of the Nation, and by consequence a Regard to his own Honour and Safety, did not prove so effectual a Restraint from Arbitrary Proceedings, as the Authour of *Jovian* hoped, and all wise Men reasonably expected. Yet Experience hath however confirm'd the Opinion of *Jovian*, and in *violent Undertakings*, far short of the Cruelty of Massacres, *all good men did withdraw from the service* of that Unfortunate Prince, and many *bad men durst not serve him*. As for those few who did, they are likely to suffer exemplary Punishment according to their Demerit.

I am now come to see how justly Mr. *J*. chargeth his Adversary with raising Cavils against matter of Fact, *pag*. 157. and 201.

He begins with Mr. Dean's Discourse about *Juventinus* and *Maximus*, which he makes to be a *whole Heap* of Falsifications. Perhaps the Falsification lies in not mentioning the precise words in *Theodoret*, to which Mr. *J*. refers, *Thou hast delivered us to an Unrighteous King, and such an Apostate as is not again upon the face of the Earth*. Now who knew them till Mr. *J*. in this Answer vouchsafed to tell what the words were? In his first

Book he cited no words, and refers to St. *Chrysostom*'s Homily on their Anniversary; is it a Falsification that *Jovian* doth not insert this passage of *Theodoret* into their Speech, as St. *Chrysostom* relates it? This were very hard. Mr. Dean had no Interest to conceal their words, nor do I see any great advantage Mr. *J.* can make of them. Do they prove that *Juventinus*, and *Maximus* would have been for a Bill of *Exclusion*, had they liv'd in our days? Or that they would have rebelled in defence of their Religion? There is nothing in them which sounds that way. Whoever reads these Speeches as rendred from *Chrysostom* in *Jovian*, [illegible] Story as Mr. *J.* himself relates it out of [illegible] will find the *Primitive Passive Spirit* the Faith and Patience of the Ancient Saints in these two [illegible] Captains, the same Ambition to be crown'd with Martyrdom, and that *Jovian* commits no falsification [illegible] he tells us that their sayings sound like the Speeches of *Maurritius* and *Exuperius*, in the *Thundring Legion*.

The same Spirit appearing in those Souldiers who had been trapann'd into Sacrificing, gave Mr. Dean occasion to say that *Juventinus*, and *Maximus* with these Souldiers should be his *Thundring Legion* for the future. Now, what Mr. *J.* replies, is a shameful childish Cavil, which any School Boy who had once read *Butler*'s Rhetorick, is able to see thro', and would deride. He would easily comprehend the true sense of so common a Figure, and understand that *Jovian* never intended to muster them for a compleat Legion, or represent them as a force able to have beaten *Julian*'s whole Army, but only to shew that they had the same Passive Brave[illegible] with the *Thebean Legion*,

Legion, the same Zeal for Christ, and forwardness to lay down their Lives for his Religion, had the *Apostate* put them to it, and tho' they had been a *full* Legion, nay, *eleven* Legions to *one*, they would have died like them, with their Swords in their Scabbards, and not have drawn them in defence of their lives against this Lawless, Apostate Persecutor. Thus the fallacy lies at Mr J's own door.

His next quarrel with *Jovian* is, for *shuffling* with the Stories of *Maris* Bishop of *Chalcedon*, the Nobleman of *Beræa*, and *Publius*. By Mr. J's favour, a direct Answer is not *shuffling*, [illegible] such an Answer he hath received. [illegible] him, that these Stories are impertinently [illegible], and will not make out his [illegible]. Thus *Julian* "was worse u[illegible] Pagan Emperours, "because he p[illegible] to Law.

p. 203.

The Author [illegible]eth that there was nothing singular [illegible]; that elder times had many instances, some of which he mentions, wherein the Martyrs and Confessors used no less Heroick *Freedom of speech* before other Pagan Emperours and Magistrates. As for *Maris*, he adds, that if there be any thing singular in his case, it ought not to be drawn into example, because he was an ill Man, a persecuting *Arrian* Zealot, which he hath proved by unanswerable Testimonies, to which Mr. J. replies not one word; but slides away, leaving behind him an uncharitable Surmise; for it was no more when he wrote it, but it is now improved into an impudent and malicious Slander, by the Publication, after that his Learned Adversary hath given so many and ample

Proofs of a *sincere Zeal* against *Popery*, not a jot less *fervent*, and abundantly more Regular and Useful than his own

His Reflection on what is said touching the *Antiochian* Psalms, is a mixture of Scurrility and Prophaneness dressed to the gust of his Admirers. I am sure Men of Sence and Sobriety will think never the better of him for his *rude Sarcasm*, nor the worse of *Jovian* for expounding that passage of the Palmist * in a milder sence than he likes. Mr. D. followed good Versions and Authours herein. Dr. *Patrick* had paraphrased it thus, *Which may well make them all ashamed* (and they shall be confounded by him if they will not renounce their Errours) *who worship graven Images*. Certainly the Phrase hath a milder acceptation than *breaking of bones*, in many places of the Psalms, as in *Ps.* 83. 16. *Fill their Faces with shame* that they may *seek thy Name*, O Lord; otherwise that Learned Expositor is frequently mistaken, particularly on *Psal.* 25. & 71. which Mr. *J.* hath expounded in Burlesque to abuse his Adversary.

* Psal. 97. 7.

Be it as it will, I am sure that Man acts more like a good Christian and Casuist, who makes the best of the doubtful Actions of the Primitive Christians, than he who represents them in the worst Colours, and at the same time proposeth them for Patterns.

In the same page Mr. *J.* complains that he is not permitted to call the joint Prayers of *Gregory* and his Church of *Nazianzum*, their Prayers; and that the Practice of the purest Church of that Age, must not pass for the practice of the Church. But the Question still remains unanswered. What is the

the Practice of *Old Gregory* and his Church to all the Churches of the Empire?

If Mr. Dean were too severe when he charged Mr. *J.* with *willfull Blindness* for saying that he could not find one single Wish for *Julian*'s Conversion among the Ancients, the Censure is now become Just, since he refuseth to see one when 'tis shewn him. *Sozomen*'s* words are these, "*Didymus* upon the "Emperour's Apostasie in "Religion, being extream-"ly grieved both for him "[Julian] *who was in a grie-*"*vous Error*, and also for the Church's Affliction, "fasted, and made supplications to God *on that* "*Account*. Here it is very evident, that *Didymus* was grieved and concerned, not only for the Church's Sufferings, but also for *Julian's Error*; and that he made supplication to God as well for *Julian* as for the Church. Now what can we imagine that he should ask of God, with respect to *Julian*, for *whose Error he was grieved*, but his Conversion and Return to the True Religion.

* Sozom. l. 6. c. 2. Πεείλυπ Θ ὅν διὰ τὸ αὐτὸν ἐς πτλανη ὑπὸ ον Θεὸν ἀεὶ τίτε ικετεύειν.

By this it appears that Mr. Dean hath given the true sense of the Greek cited at large in the Margin, he was not bound to give a literal Translation. I wonder Mr. *J.* is not asham'd here to accuse him of *forging* and *foisting in words at pleasure*, as he had charg'd him before with Falsifications; nay, a *whole heap* of them without being able to assign one single fraud. He might as well have accused him of Bulglary, or Horse-stealing, and he hath equal Evidence for them, and a pack of Readers prepared to swallow any Calumny.

I acknowledge that it was the Historian's design

ſign in this Chapter to ſhew that *Julian*'s deſtruction was from God, for laying waſte his Church, and that account of the Prayers of *Didymus* for the Apoſtate's Converſion, dropt from him on the by; we ſhould never have heard of them, but for the miraculous Revelation of *Julian*'s *Death*. But this doth not impeach its Truth, nay, it is a fair ground to believe, notwithſtanding the ſilence of Hiſtorians, that many other Chriſtians did the ſame.

However, I can by no means grant that the miraculous Anſwer to his Prayer was a *ſtrong Proof* that *Didymus* prayed for *Julian*'s deſtruction, or that his *breaking Faſt* upon the News, gives the leaſt ſupport to the conceit. The expreſs words of *Sozomen*, ſhew the contrary: And the miraculous Revelation proves no more than the Hiſtorian deſigned, *viz.* That he fell by the juſt Judgment of God for making havock of his Church.

Θεόθεν ἀυτὸν ἀναιρεθῆναι.

Didymus had the Anſwer of his Prayers in the Churches Deliverance, which God if he had ſeen meet, was able to have accompliſhed by *Julian*'s Converſion, as eaſily as by his Death, and his breaking Faſt upon the News, only ſhews his firm belief that the *Dream was Divine*, and the *Revelation true*. The occaſion of his Faſting was now over, God had deliver'd his Church, and *Julian* was incapable of receiving benefit by his Prayers. Mr. *J.* might as reaſonably have concluded that *David* faſted and pray'd for the Deſtruction of his Child, becauſe aſſoon as he heard he was dead, he call'd for meat, and fell to eating.

Pag. 208. I perceive that Mr. *J.* is very loth to

to quit the honour of his notable discovery, that *Julian* narrowly scap'd a kicking from old *Gregory*, tho' he be not able to answer any one of *Jovian*'s proofs of the vanity of that conceit. Yet he stands in it, that the words of *Gregory* will bear no other sense.

1. He saith it was *Julian* in person, and not the Captain of Archers, for *Elias Cretensis* expounds ἐκεῖνος by *ille impius*: I grant it, but then neither *Elias*, nor *Billius*, ever dreamt that *Julian* led those Souldiers to *Nazianzum*, but say only he *sent them* against that and other Churches. And probably the Greek *Elias Cretensis*, and some other MSS. of *Nazianzen* read in this place ἔπεμψε, and not ἐπῆγε, and so the Transubstantiation Solœcism is avoided. But trusty Mr. *J.* conceals this which is really a fraud, and falsifieth the Author whose Testimony he produceth.

Elias Cretensis quos *impius ille* adversus Ecclesias *concitabat*. Naz. To. 2. Col 747. *Billius* Tom. 1. p. 307. quos in Ecclesias nostros *immiserat*.

2. Whereas *Jovian* saith it could not be *Julian* but the Captain, because he came μετὰ προσταγμάτων with *Orders*. Mr. *J.* saith, the Greek words are falsely rendered with the *Emperor's Orders*, and that they signify in an *Imperious way*. I believe *Billius* was not of his mind, but by *pro imperio & jussis* meant *according to his Orders, and instructions*. I doubt not in the least but by προσταγμάτων *Gregory* meant the Edict for demolishing Christian Churches, which in all probability the Officer carried with him. The Emperours Edicts are commonly styled προστάγματα. So *Julian* calls *his own* * *Edicts*. So they

* Epist. 52. p. 213. ἀπεθέντες τοῖς ἡμετέροις προστάγμασι.

are

* l. 5. c. 10. Κατὰ πρόσταγμα βασιλίκον. Item c. 15. bis.

† Ὀυ προστάγματι τῶν ἁγίων δημοσίῳ, p. 74. Τὰ κατὰ τῶν ἁγίων οἰκων πρόσταγματα. p. 86.

are styled by * *Sozomen* frequently, and by † *Nazianzen* himself, in this Invective, where this particular Edict for *demolishing of Churches* is so called. This is a much more natural and easie sence of the words than that which Mr. *J.* would force upon them. *Lastly*, whereas *Jovian* sheweth, out of *Phavorinus*, that ἐκβιάζω signifieth to *suffer*, and πόδας implies the Feet to be the *Subject hurt*, not the *Instrument offering* that Violence, of which Mr. *J.* will have the Apostate in danger, and so renders the words, though he was *ill of his Feet*. Mr. *J.* takes occasion to despise his Adversary's Grecianship, and will not take notice that *Mr. Dean* was not the first who took the words in that sence, but followeth *Bibialdus Perkeymer*, a great Master in the Greek, and Restorer of Learning, who had thus rendered the words above an hundred years before *Mr. Dean* was born. Nor is it at all necessary that πόδας ἐκβιάζω should signifie being beaten with a Club on the soles of the Feet, as Mr. *J.* drollingly insinuates. Being *foundred*, or *foot-sore with a hard March*, may far more easily be reconciled with *Elias Cretensis*, who renders it *pedibus contusus*, than his device of drubbing.

Thus you see, Sir, that here is no evidence of *Julian*'s being at *Nazianzum*, or receiving any affront, *in Person*, from the old Bishop, nor yet of his imminent danger of being kick'd, which he scap'd by a seasonable retreat. Were it either necessary or worth while, I am confident a Man might, from *Ammianus Marcellinus*, and the date of his Edicts in the *Theodosian Code*, give such an account of

of *Julian*'s Residence from his leaving *Constantinople*, till he left *Antioch* to march against the *Persians*, as would prove it scarce possible for *Julian* to have been in person at *Nazianzum*. We have no account that *Julian* with all his Zeal against Christianity ever went *in person* to see this Edict put in Execution, and there is no reason to doubt, but if he had done it, *Nazianzen*, who omits no circumstance that may aggravate *Julian*'s Crimes, and the Historians would have recorded it, as an instance of his devilish Spite against Christ Jesus.

In the next page, he tells us, that his Adversary's *Inconsistencies* and *Contradictions*, *would fill a Book*. If he had such choice, Mr. *J.* was much to blame, that he did not pick out more evident and palpable Instances of it, than those two he produceth. I cannot see that inconsistence in them he pretends.

The Roman Empire, he saith, was Elective. Well! What then? *Julius Cæsar* left no Sons, but died, and the Monarchy with him. For *Octavius* did not take the Empire upon him till long after *Cæsar*'s death, he did not as an Adopted Son, claim it by Hereditary Right in Vertue of that Decree, which no Author but *Dio* ever mentions. And this Decree, if ever it had the force of a Law, was abrogated by contrary Usage, being never put in Execution, or so much as once mention'd in the long Succession of Emperors down to *Julian*.

Yet p. 9. It was decreed by the Senate to *Julius Cæsar*, and the Sons of his Body.

The other Instance hath as little of Contradiction in it.

Yet

Jovian, p. 222. Condemns this Principle as Atheistical and Illegal here in *England*. That all Power is radically in the People, and that the King is *their Minister*, and not *God's*.

Yet *pag.* 240. he acknowledges, That in *SPARTA* the King had not the *Sovereign Power*, which was *Radically*, and *Originally* in the People. And again, that the Magistrates in *Switzerland* derive their Power *from the People*.

I am not able to discern the Contradiction he talks of. All Power is not *Radically* in the People, *i. e.* The People have not the Sovereign Power in all *Nations*. In *England* they have not, in *Spain* and *France*, they have it not. But in *Sparta* they had, and in *Switzerland* they have it. Ay, but he calls this principle *Atheistical*, and what is Atheism in one Country is so all the World over: True. But Mr. *J.* now and then, meets with Gentlemen, who so assert All Power to be radically in the People, as to give St. *Paul* the lie, and make Government to be no *Divine Institution*, but a pure *Humane Invention*, and with respect to them *Jovian* calls this Principle *Atheistical* as may appear by the latter Assertion added to explain the former, that the *King* is their [*viz.* the People's] Minister, and not GOD's. This Mr. *J.* fraudulently omitted. These are notoriously the sentiments of most of our *English* Republicans, and they are Atheistical every where as well in Popular Governments as in Monarchies. And it would be no less Atheistical to assert that All Power is radically and originally in the King, so as to exclude its derivation from God.

But if the consistency of the propositions be only considered, the bare denial, That *all Power* is radically

radically in the People, doth not infer that Sovereign Power is *no where* in the People. The opposition of Mr. Dean's two propositions set at variance by Mr. *J.* is neither *contradictory*, nor *contrary*, but what the *Logicians* call *Sub-contrary* concerning which every Freshman hath learnt this Rule, that such propositions are consistent, and may be both true together. But Mr. *J.* is a happy man, he hath so candid Readers that they will overlook the greatest mistakes in Logick, History, Law, or any thing else, that he can either ignorantly, or wilfully commit.

The King's recommendation of Mr. *Hooker*'s *Ecclesiastical Polity*, doth not make the Authour *infallible*, nor yet imply his Majesties Assent to every Proposition in that Excellent Work. I am sure the passage he cites could never obtain his Majestie's Approbation. And Mr. *Baxter*, who cannot be supposed to have any design to advance Arbitrary Government, hath at large solidly confuted Mr. *Hooker*'s notion. Though when All's done, what Mr. *J.* cites out of Mr. *Hooker*, is nothing like the Propositions condemn'd in *Jovian*. He doth not make the King the People's Minister, nor doth he allow them to resume the Power, which by mistake he supposeth to have been once derived from them, or any way else favour the Doctrine of Resistance.

Vid. Christ. Directory, part 4. pag. 10, 11.

The last matter of Fact is, *Simson*'s *Case*, who killed the Pursuivant. Mr. Dean accuseth Mr. *J.* with the fraudulent concealing, that according to *Brownlow* it was found Homicide, or Man-slaughter; and Mr. *J.* with most wonderful scorn, replieth, *That* Brownlow's *Reports were writ for*

those

those who understood the word Homicide, *which among other things is Chance Medley*, or *se defendendo*. I confess the word Homicide, as a *common genus* includes them, and so it doth Murther also, yet by Mr. *J*'s leave in *Verdicts*, and (where Jurors doubt) in the *Opinions* of Judges, it must have a more strict Notion, and imports Man-slaughter in the Law-sense, *as it's oppos'd* to all other kinds of *Homicide*. So that this scurrilous flout, is an unjust as well as a rude Reflection.

But sure Mr. *J*. made this Answer without ever looking into *Brownlow*, who doth not use the word *Homicide*, but saith it was found *Man-slaughter*. Homicide in *Jovian* was added as a synonymous Term, by *Mr. Dean*, on the Authority of *Judge Crook*, cited in the Margin. So that Mr. *J*. hath no reason to insult, or yet to enter a Caveat against the forfeiture of his Integrity, by another Man's ignorance; I very much fear that it is already forfeited, and for faults not so pardonable as Ignorance.

I find that the Lord *Coke*, in that report to which Mr. *J*. refers in this Answer, saith it was found *se defendendo*, and I shall not take upon me to Umpire the matter between him and *Brownlow*. Nor do I think it necessary to Apologize for *Jovian*'s Ignorance of this Report, it being unreasonable to expect that a Divine should be able to Cap Cases with the *whole Post* of Republican Lawyers.

But admitting Lord *Coke* to be in the Right, *Mr. Dean* put a close Question, which Mr. *J*. evades like a Jesuit, instead of answering. 'Tis *whether he would make the Law the adaquate rule of*

his

his Actions? The plain meaning of this Question is, Whether a Man may with a good Conscience take the utmost liberties of self-defence, which are out of the reach of the Law? Instead of an Honest, and Categorical Answer he cites a Case out of Bishop *Hall*, quite of a different nature, and insinuates, that the Law gives a Man less liberty of self-defence, than he may honestly use. Now, Sir, he is a very mean Casuist, who knows not that a Man may not with a safe Conscience do many things which will not bring his Neck into danger, and that *Tyburn* is not the only way to Hell.

I need not tell you how great a Stranger I am to the Law-Books, but my desire to serve you in the only thing wherein you could need my help (the Examining of Citations in Books you could not consult in the Country) oblig'd me to look into Judge *Crook*'s Reports, where I found a Case by accident much to the purpose of *Mr. Dian*'s Question.

"Sir *H. Ferrers* Baronet, "being Arrested, some in his "own Company kill'd a Bailiff, and Sir *H.* was "brought to a Tryal. He pleaded that the Bailiff "had no Authority to Arrest him, because the "Warrant was by the name of Sir *H. F. Knight*, "and he was never Knighted. It was held, by "all the Court, that it was a variance in an Es-"sential part of Name, and they had no Autho-"rity to arrest Sir *H. F.* Baronet. So it was an "ill Warrant, and the Killing an Officer in the "Execution of it, could not be Murder.

Crook's Rep. Part. 3. p. 372.

Would Mr. *J.* take or approve taking advantage of a *Misnomer*, to kill a Bailiff, and escape? If

he durst take such a Liberty of Self-defence, he hath not that tender regard to Mens Lives which he professeth; and if he durst not, I wonder for what reason he cites *Simson*'s Case. Such Ghostly Fathers as he, are sometimes out in their Law, and encourage Men to exceed the Legal bounds of Self-Defence, and so cheat Men out of their Lives as well as their Salvation. But if they are not, you know, Sir, as well as I, that those are none of the honestest, or safest Spiritual Guides, who teach Men how near to sin they may adventure without danger, and having remov'd all rubs out of the way, send Men to Hell with a *quiet Conscience*.

Sir, my readiness to oblige you hath put me under a necessity of having too much to do with a Casuist, of whom I now most joyfully take leave; and after the performance of so ungrateful a task, in obedience to your Commands, I am sure you can have no reason to doubt that I am,

Dear Sir,

May 6.
1689.

Your very faithful Servant.

FINIS.

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The Spirit of *Enthusiasm* Exorcised, Preached at *Oxford*, on *All-Sunday*, *July* 11. 1680. on 1 *Cor.* xii. 4.

Peculium Dei, Preached before the Lord Mayor, *Feb.* 6. 1680. on *Rom.* ix. 4, 5.

The Notion of Persecution stated, on 2 *Cor.* iv. 9.

A Sermon before the Lord Mayor, *Jan.* 30. 1681. on *Acts* xvii. 7.

The Moral *Shechinah*, Preached at the *Yorkshire*-Feast, *June* 11. 1682. on 1 *Cor.* x. 32.

A *Spittle*-Sermon, at St. *Bridget's*, *April* 1. 1684. on *Heb.* xiii. 16.

A Sermon, *May* 29. 1684. at *Worcester*, on *Psal.* xiv. 7.

The Harmony of Divinity and Law, in a Discourse about not resisting of Soveraign Princes. *Quarto.*

Speculum

[illegible] *Fanatics*, A Discourse [illegible]

[illegible] Apologetical Vindication of the Church of [illegible] against [illegible] not to be a Catholick Church, [illegible] their account.

The spirit of Popery speaking out of the [illegible] of Fanatical Protestants; or the [illegible] of Mr. *John Kid* and Mr. *John Kiby*, two [illegible] Ministers, who were executed for [illegible] and Rebellion at [illegible] 1679. with Animadversions, and the Murder of the Archbishop of S. *Andrews* his Murder, extracted out of the Registers of the Privy Council, *&c.*

Familiar Reflexions; being a Narrative of the late Trial of Mr. *James Nisbet*, a Conventicle-Preacher, who was executed the 18th. of *January* 1677. for an attempt which he made on the sacred Person of the Archbishop of S. *Andrews*. To which is annexed, an account of the Trial of that most wicked *Pharisee*, Major *Weir*, who was executed for Adultery, Incest and Witchcraft. In which are many observable Passages, especially relating to the Church and State of *Scotland*. A

[illegible]

[illegible] Sermon, July 29. 1684. at Windsor, on Psal. xiv. 7.

The Harmony of Divinity and Law, in a Discourse not resisting of Soveraign Princes.